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A HISTORY OF PENANCE

A HISTORY OF PENANCE

BEING A STUDY OF THE AUTHORITIES

(A) *For the whole Church to* A.D. 450

(B) *For the Western Church from* A.D. 450 *to* A.D. 1215

BY

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The monastery of Bobbio, founded by S. Columbanus, is a centre of Keltic traditions.
Here, no doubt, the private system of Penance would find observance.
Elsewhere in Lombardy no evidence of private penance.
Paulinus of Aquileia.
Letter to Heistulf, a Lombard who had killed his wife (A.D. 794).
Alternative penances open: (*a*) a monastery for life, (*b*) public penance (with detail of observance).
Council of Pavia (A.D. 850).
All reconciliation to be by the bishop, except in grave necessity.
Capitulary of Atto, bishop of Vercellæ (c. A.D. 945).
Presbyter to assign penance by the judgment of the bishop and not to reconcile without consulting the bishop.
Thus the priest has no more authority than in the fourth and fifth centuries.
Contrast with the empire north of the Alps.
Private penance and private reconciliation by a priest unknown in Lombardy outside Bobbio.

The Italy of the Popes 720
The Order for public penance used at Rome.
No penitentials of Roman origin.
A *judicium pœnitentiæ* sent by Pope Nicholas I. to the Bulgarians (A.D. 866).
This was probably some existing penitential.
It was not to be shown to secular persons.
No proof of the use of penitentials in Rome at this time.

XIV. FROM A.D. 950 TO THE FOURTH LATERAN COUNCIL IN A.D. 1215

Text of Authorities 723

Preliminary Survey 735
This period will see private penance become (1) universal, (2) obligatory, (3) recurring.

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BURCHARD OF WORMS 735
Burchard, bishop of Worms A.D. 1000–1025. The *Corrector Burchardi*.
The detail of sins shows the considerable use of confession.
The seal of confession.

ALEXANDER II. 736
Alexander II. (Anselm of Lucca), *c.* A.D. 1065.
Licence to the priests Rudolf and Theobald to impose penances.
Inference that without such authority priests in Italy were not expected to administer Penance.
Letter to a bishop admitting the discretion of the ministrant as the ultimate determinant of penance.

PETER DAMIANI 737
Cardinal S. Peter Damiani, A.D. 1007–1072.
The *Liber Gomorrhianus*.
Against making confessions to a partner in guilt.
Such confessions were therefore made.
The *Opusculum. De Fluxa Mundi Gloria.*
Description of the confession of the Empress Agnes.
Epistle 17 to the marquis Rainer on the fulfilment of his penance.
Violent attack upon the penitentials. (*Lib. Gom.*).
Thus at Rome penitentials were in some use, but their authority was angrily disputed.
At no time were the penitentials received at Rome without question.

HONORIUS OF AUTUN 742
Honorius of Autun *c.* A.D. 1135. The *Speculum ecclesiæ*.
Confession is now made frequently by those addressed.
A form of common confession.
This not to do duty for formal penance in the case of grave sins.
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HUGH OF S. VICTOR 743
Hugh of S. Victor, *d.* A.D. 1141. *De sacramentis christianæ fidei.*
He represents Paris.
Some dispute the requirement of confession.
Some practise confession from sheer habit without compunction of heart.

GRATIAN 744
Gratian, *c.* A.D. 1150. The *Concordantia discordantium canonum.*
Gratian's personal experience was entirely Italian.
Is confession to a priest required, or is contrition adequate?
Gratian cites eighty-nine passages, and judges that both opinions are well supported.

PETER LOMBARD 745
Peter Lombard, Master of the Sentences, A.D. 1100–1160.
Peter Lombard was born in Lombardy, but is to be identified with the church of Paris.
The penitent should confess if time admit: but given the intention, contrition is adequate without the act of confession.
Confession in general terms covers venial sins, and such mortal sins as the memory does not retain.

PETER THE CANTOR 746
Peter the Cantor, precentor of Notre Dame at Paris, *d.* A.D. 1197.
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ANONYMUS BENEDICTINUS 746
Anonymus Benedictinus, c. A.D. 1189.
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Confession of a sin once, and to only one priest, sufficient.
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ALANUS DE INSULIS 747
Alain de Lille (Alanus de Insulis), *d.* A.D. 1202. Doctor in Paris.
The priest a spiritual physician.
Persons should confess to a priest, even without necessity, that they may not seem to set aside a rule of ecclesiastical institution.

PARIS A.D. 1197 AND LONDON A.D. 1200 748
Synodical Constitutions of Odo, bishop of Paris, A.D. 1197.
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These show confession in general use, and regulate it.

CONCILIUM LATERANENSE IV 748
Fourth Council of the Lateran A.D. 1215.

XV. A REVIEW OF THE PRACTICE OF PENANCE IN WESTERN CHRISTENDOM FROM A.D. 450 TO THE FOURTH LATERAN COUNCIL IN A.D. 1215

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Alternative modes of Penance :—
(*a*) Julianus Pomerius.
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Controversy regarding death-bed penitence.
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They are the hand-books of the priests.
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S. Columbanus.
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Atto of Vercellæ (*c.* A.D. 945).
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Penitentials not used at Rome.
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PART B

THE HISTORY OF PENANCE IN THE WESTERN CHURCHES FROM A.D. 450 TO A.D. 1215

X. FROM A.D. 450 TO A.D. 650

I. The Continental System

Text of Authorities

[S. Simplicius, pope A.D. 468–483, notice of] in the Liber Pontificalis.
Victor Vitensis, bishop in Africa (c. A.D. 485).
S. Felix III. (pope A.D. 483–492).
S. Fulgentius, bishop of Ruspe (A.D. 468–533).
Gennadius, priest of Marseilles (died A.D. 496).
Faustus, bishop of Reii (died A.D. 492).
S. Avitus, archbishop of Vienne (died A.D. 523).
Julianus Pomerius, Mauretanian priest resident at Arles (c. A.D. 500).
S. Cæsarius, bishop of Arles (c. A.D. 468–542).
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S. Gelasius (pope A.D. 492–496).
Council of Epaon (A.D. 517).
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Council of Barcelona (A.D. 540).
Fifth Council of Orleans (A.D. 549).
S. Benedict of Nursia (c. A.D. 480–543).
Victor Tununensis, bishop in Africa (died c. A.D. 567).
Third Council of Toledo (A.D. 589).
S. Gregory the Great (pope A.D. 590–604).
S. Isidore, bishop of Seville (bishop A.D. 600–636).
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S. Eligius, bishop of Noyon (bishop A.D. 640–648).
The Gelasian Sacramentary.
Canon pseudo-Agathensis (c. A.D. 650).
Pontificale Romanum.
Fourth Council of Toledo (A.D. 633).
Breviarium Gothicum seu Mozarabicum.
The Liber Ordinum (Mozarabic).

[*Simplicius* (A.D. 468–483) *institutes a weekly service of priests for penitents and baptism at S. Peter, S. Paul, and S. Lawrence.*]

Liber Pontificalis (*c.* A.D. 514).

[Duchesne, *Liber Pontificalis*, I. 249.]

Simplicius, natione Tiburtinus, ex patre Castino, sedit ann. XV m. I d. vii. . . . . Hic constituit ad sanctum Petrum apostolum et ad sanctum Paulum apostolum et ad sanctum Laurentium martyrem ebdomadas ut presbyteri manerent, propter penitentes et baptismum : regio III ad sanctum Laurentium, regio prima ad sanctum Paulum, regio VI vel septima ad sanctum Petrum.

[*Appeal of the multitudes to the confessor bishops* (*and priests?*).]

Victor Vitensis (*c.* A.D. 485).

Lib. ii. 11. [Migne, *P. L.*, LVIII. 212.]

De persecutione Vandalica.

Quibus nos miseros relinquitis, dum pergitis ad coronas? qui hos baptizaturi sunt parvulos fontibus aquæ perennis? qui nobis pœnitentiæ munus collaturi sunt, et reconciliationis indulgentia obstrictos peccatorum vinculis, soluturi? quia vobis dictum est : *Quæcunque solveritis super terram, erunt soluta et in cœlis.*

[*Repetition of the Nicene assignment of graded penitential stations.*]

S. Felix Papa III. (pope A.D. 483–492).

Ep. vii.

[Mansi, VII. 1057; Migne, *P. L.*, LVIII. 925, LXXXIV. 794.]

Ad universos episcopos.

Dilectissimis in Christo Jesu fratribus, universis episcopis per diversas provincias constitutis.[1]

. . . . . .

De clericis autem et monachis, aut puellis Dei, aut sæcularibus, servari præcipimus hunc tenorem quem Nicæna synodus circa eos qui lapsi sunt vel fuerint servandum esse constituit; ut scilicet qui nulla necessitate, nullius rei timore aut periculo, se ut rebaptizentur hæreticis impie dediderunt; si tamen eos ex corde pœniteat, tribus annis inter audientes sint; septem autem annis subjaceant inter pœnitentes manibus sacerdotum, duobus autem annis oblationes modis omnibus non sinantur offerre, sed tantummodo sæcularibus (*Lege* popularibus) in oratione socientur. Nec confundatur Deo colla submittere, qui non eum timuit abnegare. Quod si, ut pote mortales, intra metas præscripti temporis cœperit vitæ finis urgere, subveniendum est imploranti, et seu ab episcopo qui pœnitentiam dederit, seu ab alio, qui tamen datum esse probaverit, aut similiter a presbytero viaticum abeunti de sæculo non negetur.

[1] *Cod.* Justelli has *per Siciliam.*

S. Felix Papa III.

[*Boys or girls to be kept for a time "under the imposition of hands," and then restored.*]

Ep. vii. [Mansi, VII. 1058; Migne, *P. L.*, LVIII. 925.]

Pueris autem quibus quod adhuc impuberes a pubertate vocabulum est, seu clericis, sive laicis, aut etiam similibus puellis, quibus ignorantia suffragatur ætatis, aliquamdiu sub manus impositione detentis, reddenda communio est: nec eorum expectanda pœnitentia, quos excipit a coercitione censura.

[*For the remission of sin* (1) *faith*, (2) *work*, (3) *time rightly spent, are conditions.*]

S. Fulgentius, bishop of Ruspe (A.D. 468–533).

Lib. i. 5. [Migne, *P. L.*, LXV. 531.]

De remissione peccatorum.

Neque enim ad remissionem peccatorum poterit pervenire, si quis aut veram non teneat fidem, aut negligat bonæ operationis officium, aut rectæ credulitatis bonæ operationi concessum divinitus tempus mortifera præoccupatus vanitate contemnat. Hæc namque tria, id est, fides, opus et tempus, ita sunt simul hominibus in hac vita necessaria, ut si cui unum ex his tribus in præsenti sæculo defuerit, æternæ vitæ particeps esse non possit; ac per hoc nec remissionem peccatorum consequetur, per quam ad æternæ vitæ præmium pervenitur.

[*Remission of sins only in the Catholic Church.*]

Lib. i. 19. [Migne, *P. L.*, LXV. 542.]

In sola ergo Ecclesia catholica datur et accipitur remissio peccatorum, quam ipse sponsus unam dicit esse columbam suam, unam electam suam, quam super petram fundavit, cui claves regni cœlorum dedit, cui etiam potestatem ligandi solvendique concessit, sicut beato Petro Veritas ipsa veraciter repromittit, dicens *Tu es Petrus, etc.*

[*Remission of sins only in the Catholic Church.*]

Lib. i. 22. [Migne, *P. L.*, LXV. 546.]

Extra hanc ecclesiam nec Christiani nomen aliquem juvat, nec baptismus salvat, nec mundum Deo sacrificium offertur, nec peccatorum remissio accipitur, nec æternæ vitæ felicitas invenitur.

[*What the Church has not loosed in this world, cannot be loosed in the world to come.*]

Lib. i. 24. [Migne, *P. L.*, LXV. 547.]

Quod ergo sancta Ecclesia in hoc sæculo non solverit ita insolubile permanet, ut etiam in futuro sæculo solvi nullatenus possit.

S. Fulgentius.

Ligatus est autem omnis homo quem ista non solverit; nec consequetur aliquod solutionis beneficium, qui non conversus ad pœnitentiam in Ecclesia sibi dandam speraverit indulgentiam peccatorum.

[*Confession only of service, if the life is amended.*]

Lib. ii. 16. [Migne, *P. L.*, LXV. 567.]

Tunc ergo prodest peccati confessio, si confessus peccator quod male fecerat, ultra non faciat, et bonorum studio operum præteritorum criminum merita superare contendat.

[*Unless penance be done in this present time, sin will not be remitted.*]

Lib. ii. 17. [Migne, *P. L.*, LXV. 568.]

Ita cognoscitur nec remissionem peccatorum dari, si pœnitentia in hoc tempore non agatur; nec in hoc tempore pœnitentiam prodesse, si peccatorum remissio desperatur : in futuro vero nullam malis conversionem futuram, et talium pœnitentiam continuam fore, sed vacuam.

[*Confession and penance to be done now.*]

Lib. ii. 22. [Migne, *P. L.*, LXV. 574.]

Modo quærat æternam vitam, qui non vult in æternum mori. Nunc præveniat in confessione faciem Dei, qui non vult sempiterna punitione damnari. Nunc enim fructuose pœnitentia geritur, nunc remissio peccatorum pœnitenti conceditur.

[*Before communion there should be for past sin tears and prayers ; and if the sin be capital and mortal, there must be public penance or the monastic life.*]

Gennadius Massiliensis (*d.* A.D. 496).

[Migne, *P. L.*, LVIII. 994.]

Cap. 53. *De ecclesiasticis dogmatibus liber.*

Quotidie eucharistiæ communionem percipere nec laudo nec vitupero. Omnibus tamen dominicis diebus communicandum suadeo et hortor, si tamen mens sine affectu peccandi sit. Nam habentem adhuc voluntatem peccandi, gravari magis dico eucharistiæ perceptione quam purificari. Et ideo quamvis quis peccato mordeatur, peccandi non habeat de cætero voluntatem, et communicaturus satisfaciat lacrymis et orationibus; et confidens de Domini miseratione, qui peccata piæ confessioni donare consuevit, accedat ad eucharistiam intrepidus et securus. Sed hoc de illo dico quem capitalia et mortalia peccata non gravant; nam quem mortalia crimina post baptismum commissa premunt, hortor prius publica pœnitentia satisfacere, et ita sacerdotis

Gennadius Massiliensis.

judicio reconciliatum communioni sociari, si vult non ad judicium et condemnationem sui eucharistiam percipere. Sed et secreta satisfactione solvi mortalia crimina non negamus, sed mutato prius sæculari habitu, et confesso religionis studio per vitæ correctionem, et jugi imo perpetuo luctu miserante Deo veniam consequatur : ita duntaxat ut contraria pro his quæ pœnitet agat, et eucharistiam omnibus dominicis diebus supplex et submissus usque ad mortem percipiat.

[*Sins forgiven in Penance on confession even at the point of death.*]

Cap. 80. [Migne, *P. L.*, LVIII. 998].

Pœnitentia aboleri peccata indubitanter credimus, etiamsi in ultimo vitæ spiritu admissorum pœniteat, et publica lamentatione peccata prodantur, quia propositum Dei, quo decrevit salvare quod perierat, stat immobile; et ideo quia voluntas ejus non mutatur, sive emendatione vitæ, si tempus conceditur, sive supplici confessione, si continuo vita exceditur, venia peccatorum fideliter præsumatur ab illo qui non vult mortem peccatoris, sed ut convertatur a perditione pœnitendo, et salvatus miseratione Domini vivat. Si quis aliter de justissima Dei pietate sentit, non Christianus sed Novatianus est.

[*Many decline communion because of sins. The remedy is penance while in health. Death-bed penance may be of no avail. Then only words, not deeds, are possible. Death-bed penance may itself be dead.*]

Faustus of Reii (Riez, *d.* A.D. 492).

Sermo 255 *in appendice tomi quinti operum S. Augustini.*

[Migne, *P. L.*, XXXIX. 2216.]

Sæpe advertimus, dilectissimi fratres, nonnullos ex vobis communionem ecclesiasticam declinare; et hoc intelligo fieri ex conscientia gravium atque ingentium peccatorum. Unde admoneo vos, dilectissimi, quod pravum est hoc insalubri consilio duplicatur; quia homines ista facientes, et delictorum sarcinam cumulant, et munus æternæ salutis amittunt : hoc est enim reatum congregare, et remedium devitare. Ergo vos, dilectissimi fratres, hortor atque commoneo, ut si quis ex vobis conscius criminum suorum, indignum se communione ecclesiastica putat, dignum se esse faciat. Dicitis, Quomodo aliquis dignum se facere possit? Quomodo, nisi ut errores pristinos relinquat, et pœnitentiam petat : ut qui criminum suorum sorde pollutus est, exomologesis satisfactione mundetur? Nec ad illud se servet, ut in extremo vitæ suæ tempore tunc pœnitentiam petat, quando jam agere non possit. Inutilis est enim, dilectissimi, ista persuasio. Parum est, peccatorem pœnitere, nisi pœnitentiam peregerit. Ad emendanda enim crimina vox pœnitentis sola non sufficit : nam in

Faustus of Reii.

satisfactione ingentium peccatorum non verba tantum, sed opera quæruntur. Datur quidem in extremis pœnitentia, quia non potest denegari; sed auctores tamen esse non possumus, quod qui sic petierit, mereatur absolvi. Quomodo enim agit pœnitentiam lapsus? Quomodo agit pœnitentiam in extremis vitæ finibus constitutus? Quomodo pœnitentiam agere possit, qui nulla jam pro se opera satisfactionis operari potest? Et ideo pœnitentia quæ ab infirmo petitur, infirma est. Pœnitentia quæ a moriente tantum petitur, timeo ne ipsa moriatur. Et ideo, dilectissimi, quicumque invenire vult misericordiam Dei, sanus agat pœnitentiam in hoc sæculo, ut sanus esse valeat in futuro.

[*He who has sinned, if he become a monk, need not do public penance. He may communicate.*]

Sermo 8. [Migne, *P. L.*, LVIII. 875.]

Detur pœnitentia sæculari, cujus adhuc cervix sub jugo dependet sæculi, et huic pro immanitate delicti terminetur tempus, cui adhuc tempus servit. Cæterum si abrenuntians sæculo et ejus militiæ, et spondens se cunctis diebus serviturum Deo, cur pœnitentiam mereatur, qui liber effectus, velut onager sectatur eremi vastitatem. . . .

Igitur abrenuntianti publica pœnitentia non est necessaria, quia conversus ingemuit, et cum Deo æternum pactum inivit. Ex illo igitur die non memorantur ejus delicta quæ gessit in sæculo, in quo facturum se justitiam de reliquo promiserit Deo. Ergo post chirographum de quo se monachus debitum ex tota fide promiserit implere etsi fidelis factus peccaverit in sæculo, post abrenuntiationem iterum factam dominicum corpus non dubitet accipere, ne occasione humilitatis nimiæ prolongetur a corpore et sanguine cui se junxit ut unum corpus efficeretur. Communicare ergo non desinat qui peccare quievit, tantum de reliquo non peccet.

[*In the case of a man who has married his wife's sister, the parties having now separated, Avitus counsels that the separation be accepted without public penance.*]

S. Avitus, archbishop of Vienne (*d.* A.D. 523).

Epistola 16. [Migne, *P. L.*, LIX. 235.]

Tamen, quia jussistis ut quidquid sensui meo videatur aperiam sufficiat censuræ vestræ separatio personarum: scindatur infelix conjugium innocentiore divortio: sufficiat districtionis fructui terminus mali. Nec sane promissio ejus fidelis putetur, cujus vita exstitit infidelis. Ipsis fidejussoribus emendatio secutura credatur, quibus intercedentibus prior culpa laxabitur.

De cætero autem, quod ad pœnitentiam exspectat, moneatur interim agere, accipere non cogatur. Sufficiunt infelici crimina

S. Avitus.

sua; nec ingeratur laborioso cum respuit, quod tam instabili animo vix committi debuerat si petiisset. Cesset a fragilitate perfidia : nec subeat in carnalitatis cumulum rebellionis augmentum. Si jubetis, breviter ad ultimum suggero. Excussus ab scelere, suscipiatur ad veniam; patiatur pœnitentiam, cum perdit peccandi occasionem : profiteatur, cum amiserit voluntatem.

[*Of those who confess their sins; and of those whose sins are notorious. Notorious offenders who will not be corrected must be excommunicated.*]

Julianus Pomerius (*c.* A.D. 500).

[Migne, *P. L.*, LIX. 451.]

II. vii. 1. *De Vita Contemplativa.*

Cum vero nobis fratres quilibet nostri peccata sua, tanquam medicis, vulnera quibus urgentur aperiunt; operam dare debemus ut quantocius ad sanitatem, Deo auctore, perveniant ne in pejus dissimulata curatione proficiant. Ea autem crimina quorumlibet si ipsis criminosis confiteri nolentibus undecunque claruerint; quæcunque non fuerint patientiæ leni medicamento sanata; velut igni quodam piæ increpationis urenda sunt et curanda.

2. Quod si nec sic quidem æquanimiter sustinentis, ac pie increpantis medela profecerit in eis, qui diu portati, et salubriter objurgati, corrigi noluerunt; tanquam putres corporis partes debent ferro excommunicationis abscidi.

[*Of those who neither confess nor amend secret offences. If they make themselves judges, let them assign severe penance. Of ecclesiastics, who because their sins are secret, allow themselves to communicate and to officiate.*]

II. vii. 2. [Migne, *P. L.*, LIX. 451.]

Porro illi quorum peccata humanam notitiam latent, nec ab ipsis confessa, nec ab aliis publicata; si ea confiteri aut emendare noluerint, Deum, quem habent testem, ipsum habituri sunt et ultorem. Et quid eis prodest humanum vitare judicium, cum, si in malo suo permanserint, ituri sint in æternum, Deo retribuente, supplicium. Quod si ipsi sibi judices fiant, et veluti suæ iniquitatis ultores hic in se voluntariam pœnam severissimæ animadversionis exerceant; temporalibus pœnis mutabunt æterna supplicia, et lacrymis ex vera cordis compunctione fluentibus restinguent æterni ignis incendia. At hi qui, in aliquo gradu ecclesiastico constituti, aliquod occulte crimen admittunt, ipsi se vana persuasione decipiunt, si eis videtur propterea communicare, et officium suum implere debere, quod homines occultatione sui criminis fallunt.

Julianus Pomerius.

[*Of those who communicate in spite of secret sin.*]

II. vii. 3. [Migne, *P. L.*, LIX. 452.]

Exceptis enim peccatis quæ tam parva sunt, ut caveri non possint, pro quibus expiandis quotidie Deo clamamus, et dicimus : *Dimitte nobis debita nostra sicut et nos dimittimus debitoribus nostris*; illa crimina caveantur quæ publicata suos auctores humano faciunt damnari judicio. Qui autem ea commiserint, et ideo prodere metuunt, ne sententiam justæ excommunicationis accipiant, sine causa communicant; imo vero dupliciter contra se iram divinæ indignationis exaggerant, quod et hominibus innocentiam fingunt, et contempto Dei judicio, abstinere se ab altari propter homines erubescunt.

[*They will more readily find acceptance, who admit their offence; and either make voluntary confession, or visit themselves with self-inflicted excommunication.*]

II. vii. 3. [Migne, *P. L.*, LIX. 452.]

Quapropter Deum sibi facilius placabunt illi qui non humano convicti judicio, sed ultro crimen agnoscunt; qui aut propriis illud confessionibus produnt, aut nescientibus aliis quales occulti sunt, ipsi in se voluntariæ excommunicationis sententiam ferunt, et ab altari cui ministrabant, non animo, sed officio separati, vitam suam tanquam mortuam plangunt, certi quod reconciliato sibi efficacis pœnitentiæ fructibus Deo, non solum amissa recipiant, sed etiam cives supernæ civitatis effecti, ad gaudia sempiterna perveniant.

[*Works of charity redeem the lesser sins.*]

S. Cæsarius of Arles (A.D. 468–542).

Sermo 104 (*in Appendix to S. Augustine*).

[Migne, *P. L.*, XXXIX. 1948.]

C. 6. Quibus tamen operibus minuta peccata redimantur, plenius vobis insinuare desidero. Quoties infirmos visitamus, in carcere clausos, et positos in vinculis requirimus, discordes ad concordiam revocamus, indicto in Ecclesia jejunio jejunamus, pedes hospitibus abluimus, ad vigilias frequenter convenimus, eleemosynam ante ostium prætereuntibus pauperibus damus, inimicis nostris, quoties petierint, veniam indulgemus : istis operibus, et his similibus, minuta peccata redimuntur quotidie.

[*For capital sins severe and public penance is required. The analogy of mourning for the dead.*]

[Migne, *P. L.*, XXXIX. 1948.]

C. 7. Pro capitalibus vero criminibus non hoc solum sufficit; sed addendæ sunt lacrymæ, rugitus et gemitus, continuata et

longo tempore protracta jejunia, largiores eleemosynæ erogandæ, ultro nos ipsos a communione Ecclesiæ removentes, in luctu et in tristitia multo tempore permanentes, et pœnitentiam etiam publice agentes: quia justum est ut qui cum multorum destructione se perdiderit, cum multorum ædificatione se redimat ad extremum non est impossibile vel grave quod suggero; vel sic lugeamus exstinctam nostram animam, quomodo alienam carnem mortuam plangimus. Si aut uxor aut filius, aut maritus mortui fuerint, in terram se collidunt homines, capillos trahendo, pectora tundendo, in luctu et pœnitentia, vel in lacrymis non parvo tempore perseverant.

[*A young married man, who cannot shave his head and wear penitential garb, may be excused if he exercise good works.*]

Sermo 249. [Migne, *P. L.*, XXXIX. 2208.]

Si forte quando generaliter omnes ad pœnitentiam provocamus, aliquis intra se cogitet dicens, Ego juvenis homo uxorem habens, quomodo possum aut capillos minuere, aut habitum religionis assumere? nec nos hoc dicimus, fratres charissimi, non hoc prædicamus, ut juvenes qui conjugia habere videntur, habitum magis quam mores habeant commutare. Quid enim homini uxorem habenti nocet, si mores perditos voluerit ad opera bona vel honesta convertere, si peccatorum suorum vulnera eleemosynis, jejuniis et orationibus ad sanitatem pristinam studeat revocare. Vera enim conversio sine vestimentorum commutatione sufficit sibi: vestimenta vero religiosa sine bonis operibus non solum remedium habere non poterunt, sed etiam justum Dei judicium sustinebunt. Convertamur ergo ad meliora, dum in nostra sunt potestate remedia: hic extinguamus mortem moriendo peccatis, hic vitam vitæ meritis acquiramus; præstante Domino nostro Jesu Christo, cui est honor et imperium cum Patre et Spiritu Sancto in sæcula sæculorum. Amen.

[*Of death-bed penitence. Three kinds of such penitence distinguished.*]

Sermo 256. [Migne, *P. L.*, XXXIX. 2217.]

Multi de fratribus vel filiis nostris solliciti sunt, utrum omnis homo in infirmitate positus, si pœnitentiam accipit, et statim defunctus fuerit, ad plenam possit indulgentiam pervenire: et dum hæc inquirunt, non sine parva inter se animositate contendunt. Alii enim dicunt eum qui sic acceperit ad integrum liberari; alii autem parum prodesse confirmant. Quid tamen de hac re nobis secundum sanctorum patrum regulas videatur, breviter charitati vestræ volo suggerere.

Non incongrue potest credi tribus modis ad istam subitaneam pœnitentiam perveniri. Primus et præcipuus modus est, ut

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christianus crimina capitalia non admittat; aut si forte admiserit, sic pro illis pœniteat, et ea bonis operibus diluat, ut postea ad peccata ipsa non redeat; de omnibus fructibus decimas reddat, et de novem partibus quidquid suis necessitatibus superfuerit, minuta peccata quæ quotidie subrepunt redimat, et illam charitatem teneat quæ non solum amicos, sed ipsos diligit inimicos. Qui hæc fideliter implere voluerit, etiamsi pœnitentiam non accipiat; quia semper illam fructuose et fideliter egit, bene hinc exiet: et si eo tempore quo moriturus est, eam acceperit, et partem sibi et Christo ad substantiam suam cum filiis fecerit; non solum eum veniam peccatorum credimus obtinere, sed etiam præmia æterna percipere.

2. Secundus modus est supra dictæ pœnitentiæ, ut etiamsi aliquis, quamdiu vixerit, non solum parva, sed forte etiam capitalia committat peccata; et tamen mala ipsa ignoretur qua spe pœnitentiæ agat,[1] nec ideo animam suam ad peccata relaxet, ut ad illam subitaneam pœnitentiam se reservet; et in transitu suo cum grandi humilitate et cordis contritione, cum rugitu vel gemitu ipsam pœnitentiam petat; et hoc definitissime in corde suo deliberet, ut si evaserit, quamdiu vixerit, toto corde et totis viribus fructuosam pœnitentiam agat; et quidquid se male tulisse cognoscit, ad integrum reddat, ut secundum illud propheticum rapinam restituat, et omnibus inimicis suis toto corde indulgeat, et de substantia sua unam portionem Christo et sibi cum filiis suis faciat, et in ipsa infirmitate sua, quantum potest, largas eleemosynas erogare præcipiat: si hæc fideliter humili et contrito corde implere voluerit, et possumus et debemus credere quod ei Dominus omnia dignetur peccata dimittere. . . .

3. Tertius modus pœnitentiæ aliquibus esse videtur, si aliquis semper male vivens, in exitu vitæ se reservet ad pœnitentiam, et ea spe peccet, ut per ipsam subitaneam pœnitentiam et cuncta conjuncta æstimet peccata dimitti; et tamen postquam eam acceperit, et illud quod male rapuit nec in simplo reddat, nec inimicis suis toto corde indulgeat, nec in corde suo deliberet, ut si evaserit, quamdiu vivit, cum grandi compunctione et humilitate pœnitentiam agat, nec portionem sibi et Christo pro redemptione peccatorum de substantia sua cum filiis suis faciat. Sic accepta pœnitentia, si sine istis remediis quæ supra memoravimus, exierit de hac vita; quid de eo futurum sit licet nos dicere dubii simus, Dominus tamen in Evangelio definitissime dixit: *Si*, inquit, *non dimiseritis hominibus peccata eorum, nec Pater dimittet vobis peccata vestra;* et illud, *Date et dabitur vobis; dimittite, et dimittetur vobis.* Quomodo peccatori illi dimitti poterit, qui dimittere noluit? aut quomodo ei dabitur, qui non dedit? Et quia Dominus de illis qui eleemosynas non dederunt dicturus est,

[1] *Cod.* Regius *ignoranter quasi spe pœnitentiæ agat.*

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Discedite a me . . . si ille in ignem mittitur, qui de propria facultate non erogavit; quid de isto pœnitente facturus est, qui non solum de proprio nihil dedit, verum etiam res alienas, quas male tulerat, nec in simplo reddere voluit? Qui talis est, si a me pœnitentiam petierit, et est illi ætas cui aut dari possit aut debeat; pœnitentiam illi dare possum, integram securitatem dare non possum: Deus tamen, qui omnium conscientias novit; et unumquemque secundum suum meritum judicabit, ipse scit qua fide aut qua intentione animi pœnitentiam petiit. Ego vero timeo ne forte iste talis pœnitens nec in conscientia sua habuerit, quod in operibus non ostendit: quia etsi cor videre non possumus, tamen secundum evangelicam, sententiam, *ex fructibus eorum cognoscetis eos*, dum ea quæ supra scripta sunt implere penitus non videmus. Cum hæc ita sint, quis non poterit prohibere, ut eum credamus non bene de hac luce migrasse, quem bona opera cognoscimus non fecisse? Ecce, quid mihi de subitanea pœnitentia videtur, charitati vestræ exposui. Si quis est, cui ex his quæ diximus aliqua dubitatio nascatur; et optamus et desideramus, ut dari sibi a nobis rationem cum perfecta charitate requirat.

[*Exhortation to the life-long penance of a good Christian. If penance be deferred till death, gravely uncertain if then available.*]

Sermo 256. [Migne, *P. L.*, XXXIX. 2218.]

Nos tamen, fratres charissimi, ea quæ sunt incerta vel dubia relinquentes, totis viribus de illa pœnitentia, quæ per omnem vitam a bonis Christianis agitur, per quam omnia et capitalia crimina damnantur, et minora peccata jugiter redimuntur, attentius cogitemus; quæ si quamdiu vivimus cum bonis operibus agimus, plenam nobis securitatem de Dei misericordia pollicetur. Cum enim omnes homines pœnitentiam velint in finem vitæ suæ accipere, et vix paucos videamus eam, secundum quod desiderant, promereri; quare non quotidie ipsam pœnitentiam agimus, ut rem certam tenentes, de rebus incertis et dubiis liberemur? Quanti enim qui se ad extremum vitæ suæ pœnitentiam accepturos esse credebant, aut subita ruina oppressi, aut forte per naufragium demersi sunt, aut fulmine interfecti, aut sanguinis ictu, aut illa infirmitate quæ apoplexia dicitur, ita percussi sunt; ut non solum pœnitentiam petere, sed etiam signare se aut orationem Dominicam dicere omnino non possent? Cum enim tantis casibus fragilitas humana subjaceat; nimis periculosa præsumptio est, ut nos in longa tempora ad agendam pœnitentiam reservemus, qui unius diei vitam in potestatem habere non possumus.

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[*Penance admissible twice: for further lapses the Divine anger is to be feared.*]

Sermo 258. [Migne, *P. L.*, XXXIX. 2222.]

Si semel aliquis vel secundo peccaverit, et sine aliqua dissimulatione ad pœnitentiæ medicamenta confugerit: pristinam incolumitatem sine aliqua mora recipiet. Si vero peccata peccatis cœperit addere, et animarum vulnera tegendo vel defendendo putrescere, quam confitendo et pœnitentiam agendo curare, maluerit; timendum est ne in illo impleatur quod Apostolus dixit, *An ignoras quia benignitas Dei ad pœnitentiam te adducit? Tu autem secundum duritiam cordis tui et cor impœnitens, thesaurizas tibi iram in die iræ et revelationis justi judicii Dei.*

[*The Divine mercy not to be despaired of after a thousand crimes.*]

Sermo 258. [Migne, *P. L.*, XXXIX. 2222.]

Nemo ergo nec post centum peccata, nec post mille crimina de misericordia divina desperet. Sic tamen non desperet, ut sine ulla mora Deum sibi repropitiare festinet. . . .

[*For one a soldier and married penance is rather to forsake sins than to shave the head or don the garb of penance.*]

Sermo 258. [Migne, *P. L.*, XXXIX. 2222.]

Sed forte est aliquis qui dicat: Ego in militia positus sum, uxorem habeo; et ideo pœnitentiam agere quomodo possum? Quasi nos, quando pœnitentiam suademus, hoc dicamus, ut unusquisque magis sibi capillos studeat auferre, et non peccata dimittere; et vestimenta potius evellat, quam mores. Qui hac dissimulatione decipere se magis quam excusare conatur, attendat, quia regem David nec honor regni nec dignitas vestimenti ad pœnitentiam agendam potuit impedire.

[*When we see any of the brethren seeking penance in public, we ought to kindle compunction in ourselves.*]

Sermo 261. [Migne, *P. L.*, XXXIX. 2227.]

Quotiescumque, fratres charissimi, aliquam de fratribus vel sororibus nostris pœnitentiam publice videmus petere, magnam in nobis ipsis Deo inspirante compunctionem divini timoris possumus et debemus accendere.

[*Fitness and benefit of public penance, though private penance possible.*]

Sermo 261. [Migne, *P. L.*, XXXIX. 2227.]

Et ille quidem qui pœnitentiam publice accepit, poterat eam secretius agere: sed credo, considerans multitudinem peccatorum suorum, videt se contra tam gravia mala solum non posse sufficere;

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ideo adjutorium totius populi cupit expetere. Quomodo solet fieri, ut cujus vinea per negligentiam deserta remanserit, roget vicinos et proximos suos; et una die multitudinem hominum congregans, quod per se solum non potuit, multorum manibus adjutus, id quod desertum fuerat, reparet: ita ergo et ille qui publice pœnitentiam vult petere, quasi corrogatum dignoscitur congregare; ut totius populi orationibus adjutus, et spinas et tribulos peccatorum suorum possit evellere: ut in eo bonorum messis valeat Deo auxiliante consurgere; et vinea cordis sui, quæ non uvas sed spinas consueverat dare dulcedinem spiritualis vini incipiat exhibere.

[*He who accepts public penance is covered with haircloth.*]

Sermo 261. [Migne, *P. L.*, XXXIX. 2227.]

Et illud fratres charissimi, non otiose considerandum est, quod ille qui pœnitentiam accipit, cilicio cooperitur. Et quia cilicium de pilis caprarum texitur, et capræ peccatorum similitudinem habere videntur; et ille qui pœnitentiam accipit, non se agnum sed hædum publice profitetur.

[*The penitent, covered with haircloth, is formally cast forth. This is, in truth, what he asks.*]

Sermo 261. [Migne, *P. L.*, XXXIX. 2228.]

Et hoc attendite, fratres, quod qui pœnitentiam petit, excommunicari se supplicat. Denique ubi accepit pœnitentiam, coopertus cilicio foris ejicitur. Ideo enim se excommunicari rogat quia ad percipiendam Eucharistiam Domini indignum esse se judicat.

[*Different grades of sin and penalty. Minor sins met by private repentance: capital sins call for notable and public penance.*]

Sermo 262. [Migne, *P. L.*, XXXIX. 2229.]

Si levia sunt fortasse delicta, verbi gratia, si homo vel in sermone vel in aliqua reprehensibili voluntate, si oculo peccavit aut corde; verborum et cogitationum maculæ quotidiana oratione curandæ et privata compunctione tergendæ sunt. Si vero quisque conscientiam suam interrogans, facinus aliquod capitale commisit, ut si fidem suam falso testimonio expugnavit ac prodidit, aut sacrum veritatis nomen perjurii temeritate violavit; si veram baptismi tunicam et speciosam virginitatis holosericam, cœno commaculati pudoris infecit; si in semetipso novum hominem nece hominis occidit; si per augures et divinos atque incantatores captivum se diabolo tradidit: hæc et ejusmodi commissa expiari penitus communi et mediocri vel secreta satisfactione non possunt; sed graves causæ graviores et acriores et publicas curas requirunt:

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ut qui cum plurimorum destructione se perdidit, simili modo cum plurimorum ædificatione se redimat.

[*But few desire to maintain their chastity. Many married men form adulterous connexions.*]

Sermo 288. [Migne, *P. L.*, XXXIX. 2289.]

Et quia castitatem valde paucos servare velle cognoscimus, de ipsa castitate attentius admonemus. . . . Sed quod pejus est, multi sunt qui etiam cum uxores videantur habere, persuadente diabolo castitatem dissimulant custodire; sed aut cum suis aut alienis ancillis, vel etiam uxoribus aut filiabus extraneis, libidinis furore succensi, ita adulteria committere nec metuunt nec erubescunt, ut nec Dominum timeant, nec homines revereantur.

[*They who neither reprove nor report such offenders lay their own conduct open to suspicion.*]

Sermo 288. [Migne, *P. L.*, XXXIX. 2289.]

Illi autem qui adulteros nec ipsi arguunt, nec in notitiam sacerdotibus sacrilegos ponunt, suspicionem nobis faciunt, quod ideo illos non arguunt, quia et ipsi talia peccata committunt.

[*One law for men and women. But the incontinence of men escapes prohibition because many offend. The deplorable custom prevails, that a wife who offends with a slave is punished, while the husband indulging himself with many slave women is rather applauded.*]

Sermo 288. [Migne, *P. L.*, XXXIX. 2290.]

Cum enim illi de quibus loquimur uxores suas castas esse velint, qua conscientia nefanda committunt, et dicunt sibi licere quod eis omnino non licet; quasi alia præcepta viris Deus dederit, alia feminis? Dicat quicumque ille est, qua lege permittente crimina ista committat; cum et divina et humana lege omnia adulteria puniantur. Ideo tamen hoc malum non prohibetur, quia a multis committitur. . . . Sed infelix consuetudo intromissa est, ut si uxor inventa fuerit cum servo suo, puniatur; si autem vir cum multis ancillis in libidinis cloaca volutetur, non solum non puniatur, verum etiam a suis similibus collaudatur; et sibi invicem loquentes, quis hoc amplius fecerit, cum risu et cachinno stultissimo confitentur.

[*The concubinage of men before marriage is so widespread that the bishop cannot excommunicate, but waits till God give penitence. Custom esteems such concubinage no sin.*]

Sermo 288. [Migne, *P. L.*, XXXIX. 2290.]

Et hoc rogo, fratres charissimi, et admoneo charitatem vestram, ut quicumque uxores accepturi sunt, virginitatem usque ad

nuptias servent: quia quomodo nullus est qui sponsam violatam velit accipere, sic nullus se debet ante nuptias adulterina commixtione corrumpere. Sed, quod pejus est, plures sunt qui sibi concubinas adhibent, antequam uxores accipiant: et quia grandis multitudo est, excommunicare omnes non potest episcopus, sed cum gemitu et suspiriis multis tolerat et exspectat, si forte pius et misericors Dominus det illis fructuosam pœnitentiam per quam possint ad indulgentiam pervenire. Et quia hoc malum in consuetudinem est missum, ut putetur non esse peccatum: ecce coram Deo et angelis ejus profiteor, quod sive ante uxorem, sive post uxorem, quicumque sibi concubinam adhibuerit, adulterium committit; et ex hoc pejus adulterium, quia cum nulla ratione liceat publice, hoc sine ulla verecundia quasi ex lege committat.

[*Pre-nuptial fornication in men is not esteemed a sin of any gravity.*]

Sermo 289. [Migne, *P. L.*, XXXIX. 2292.]

Sed forte putant aliqui, quod feminis ante nuptias fornicari non liceat, sed viris liceat. Ista punienda, et nimium gravia mala, quod pejus est, ideo a multis viris sine ullo timore Domini committuntur; quia ita a pluribus in consuetudinem missa sunt, et ita vilia vel levia ducuntur, ut nec jam inter gravia crimina putentur. Nam in fide catholica quidquid mulieribus non licet, omnino nec viris licet.

[*Twelve means of remission of sins.*]

Hom. 13. [Migne, *P. L.*, LXVII. 1075.]

Prima remissio est peccatorum, qua baptizamur in aqua, secundum illud quod scriptum est: *Nisi quis renatus fuerit ex aqua et spiritu, non potest videre regnum Dei.*

Secunda remissio est charitatis affectus, ut est illud: *Remittuntur ei peccata multa, quia dilexit multum.*

Tertia remissio est, eleemosynarum fructus, secundum hoc: *Sicut aqua exstinguit ignem, ita eleemosyna exstinguit peccatum.*

Quarta remissio, profusio lacrymarum, Domino dicente. *Quia flevit in conspectu meo, et ambulavit coram me tristis, non inducam malum in diebus ejus.*

Quinta remissio est criminum confessio, Psalmista attestante: *Dixi, confitebor adversum me injustitiam meam Domino, et tu remisisti impietatem peccati mei.*

Sexta remissio est afflictio cordis et corporis, Apostolo consolante: *Dedi hujusmodi hominem Satanæ, in interitum carnis, ut spiritus salvus fiat in die Domini nostri Jesu Christi.*

Septima remissio est emendatio morum, hoc est abrenuntiatio

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vitiorum, evangelista testante: *Jam sanus factus es noli ultra peccare, ne quid tibi deterius contingat.*

Octava remissio est intercessio sanctorum, ut est illud: *Si quis infirmatur, inducat presbyteros Ecclesiæ, et orent pro eo. Et multum valet apud Dominum oratio justi assidua.*

Nona remissio est misericordia fidei meritum, secundum hoc: *Beati misericordes, quoniam ipsi misericordiam consequentur.*

Decima remissio est salus aliorum, Jacobo apostolo affirmante: *Qui converti fecerit peccatorem ab errore viæ suæ, salvabit animam ejus a morte, et cooperiet multitudinem peccatorum.*

Undecima remissio est indulgentia et nostra remissio, veritate promittente: *Dimittite et dimittatur vobis.*

Duodecima remissio est passio martyrii, spe unicæ salutis et indulgentiæ, latroni cruento respondente Domino: *Amen dico tibi, hodie mecum eris in paradiso.*

[*Security of him who has done penance. Have recourse to the priest with a view to reconciliation.*]

Hom. 18. [Migne, *P. L.*, LXVII. 1081.]

Qui egerit veram pœnitentiam, et solutus fuerit a ligamento quo erat constrictus, et a Christi corpore separatus, et bene post pœnitentiam vixerit; post reconciliationem cum defunctus fuerit ad Dominum vadit, ad requiem vadit, et regno Dei non privabitur, et a consortio diaboli separabitur. . . .

. . . . . .

Si enim egeris veram pœnitentiam, et invenerit te novissimus dies, aut repentina mors, securus es. Concurre omnino ad sacerdotem, ut reconcilieris. Si sic agis, securus es, eo quod accepisti pœnitentiam eodem tempore quando peccare potuisti.

[*Cæsarius desired that none should leave this world without the remedy of penance.*]

S. Cæsarii Epis. Arelatensis Vita.

Auctoribus Messiano presbytero et Stephano diacono.

Lib. II. [Migne, *P. L.*, LXVII. 1029.]

Cito propera, inquit, domne; filius tuus ut ante obitum suum illum videas rogat. Et cum nullum sine medicamento pœnitentiæ de hoc mundo vir Dei voluisset recedere, illum præcipue sine hoc remedio non optabat abire.

[*Penitents to seek from the priest imposition of hands and haircloth.*]

Concilium Agathense (Agde, A.D. 506.).

Can. 15. [Mansi, VIII. 327.]

Pœnitentes, tempore quo pœnitentiam petunt, impositionem manuum et cilicium super caput a sacerdote, sicut ubique constitutum est, consequantur. Si autem comas non deposuerint, aut vestimenta non mutaverint, abjiciantur; et nisi digne pœnituerint non recipiantur. Juvenibus etiam pœnitentia non facile committenda est propter ætatis fragilitatem. Viaticum tamen omnibus in morte positis non negandum.

[*None to be ordained after penance, or if any have been ordained in ignorance, such not to minister.*]

Can. 43. [Mansi, VIII. 332.]

De pœnitentibus id placuit observare quod sancti patres nostri synodali sententia censuerunt, ut nullus de his clericus ordinetur, et qui jam sunt per ignorantiam ordinati, ut sicut bigami, aut internuptarum mariti, locum teneant, ministrare diaconus, aut consecrare altare hujusmodi presbyter non præsumat.

[*A priest may not accord the blessing to a penitent in the church.*]

Can. 44. [Mansi, VIII. 44.]

Benedictionem super plebem in ecclesia fundere, aut pœnitentem in ecclesia benedicere presbytero penitus non licebit.

[*Penance of those who had lapsed into heresy.*]

Can. 60.[1] [Mansi, VIII. 334.]

Lapsis, id est, qui in catholica fide baptizati sunt, si prævaricatione damnabili post in hæresin transierint, grandem redeundi difficultatem sanxit antiquitas. Quibus nos, annorum multitudine breviata, pœnitentiam biennii conditione infra scriptæ observationis imponimus, ut præscripto biennio tertio sine relaxatione jejunent, et ecclesiam studeant frequentare. In pœnitentium loco standi et orandi humilitatem ita noverint observandam, ut etiam ipsi cum catechumeni egredi commonentur, abscedant. Hoc si observare voluerint, constituto tempore admittendis ad altarium observatio relaxetur. Quod si ardua vel dura forte putaverint, statuta præteritorum canonum implere debebunt.

[1] This canon is printed here because it is retained in the collections as a canon of Agde, and is often so cited. But it is found again as a canon of Epaon (A.D. 517): and it is to that council, and not to Agde, that it may be best assigned. The certainly genuine canons of Agde are forty-seven in number.

[*Penitents not to be ordained.*]

Concilium Arelatense IV. (A.D. 524).

Can. 3. [Mansi, VIII. 626.]

Nullus pœnitentem, nullus digamum, vel internuptarum maritum, in prædictis honoribus audeat ordinare. Et licet hæc jam prope omnium canonum statuta contineant; tamen ne cui sacerdotum supplicantum. . . .

[*Persons uniting themselves with consecrated virgins to be repelled from communion till after public penance.*]

S. Gelasius (pope A.D. 492–496.)

Ep. ix. 20. [Migne, *P. L.*, LIX. 54.]

Virginibus autem sacris temere se quosdam sociare cognovimus, et post dicatum Deo propositum, incesta fœdera sacrilegaque miscere. Quos protinus æquum est a sacra communione detrudi, et nisi per publicam probatamque pœnitentiam, omnino non recipi, sed tamen viaticum de sæculo transeuntibus, si tamen pœnituerint, non negetur.

[*Penance prescribed for those who have lapsed into heresy.*]

Concilium Epaonense (A.D. 517).

Can. 29. [Mansi, VIII. 562.]

Lapsis, id est, qui in catholica baptizati prævaricatione damnabili post in hæresim transierunt, grandem redeundi difficultatem sanxit antiquitas. Quibus nos, annorum multitudine breviata, pœnitentiam biennii conditione infrascriptæ observationis imponimus; ut præscripto biennio tertia die sine relaxatione jejunent, ecclesiam studeant frequentare, in pœnitentium loco standi et orandi humilitatem noverint observandam: ac etiam ipsi, cum catechumeni procedere commonentur, abscedant. Hoc si observare voluerint, constituto tempore admittendis ad altarium observatio relaxetur. Quam si arduam vel duram forte putaverint, statuta præteritorum canonum complere debebunt.

[*Penance of homicides as by canons of Ancyra.*]

Can. 31. [Mansi, VIII. 563.]

De pœnitentia homicidarum, qui sæculi leges evaserint, hoc summa reverentia de eis inter nos placuit observari, quod Ancyritani canones decreverunt.

[*A person reconciled in sickness, who has not undergone public penance, may be ordained.*]

Concilium Gerundense (A.D. 517).

Can. 9. [Mansi, VIII. 550.]

Is vero qui ægritudinis languore depressus pœnitentiæ benedictionem (quam viaticum deputamus) per communionem acceperit, et postmodum reconvalescens caput pœnitentiæ in ecclesia publice non subdiderit, si prohibitis vitiis non detinetur obnoxius, admittatur ad clerum.

[*Penitents to shave the head and wear a religious habit.*]

Concilium Barcinonense (A.D. 540).

Can. 6. [Mansi, IX. 109.]

Pœnitentes viri tonso capite, et religioso habitu utentes, jejuniis et obsecrationibus vitæ tempus peragrant.

[*Penitents to avoid entertainments and commerce.*]

Can. 7. [Mansi, IX. 109.]

Ut pœnitentes epulis non intersint, nec negotiis operam dent in datis et acceptis, sed tantum in suis domibus vitam frugalem agere debeant.

[*Persons reconciled in sickness to do penance if they recover, omitting the imposition of hands.*]

Can. 8. [Mansi, IX. 110.]

De his qui in infirmitatibus poscunt pœnitentiam, et a sacerdote accipiunt, si postea convaluerint, vitam pœnitentium peragant, excepta manus impositione, segregati a communione, quamdiu probabilem sacerdos eorum approbaverit vitam.

[*The Viaticum to be accorded to the sick.*]

Can. 9. [Mansi, IX. 110.]

Jubemus vero in infirmitate positis, beatificam benedictionem percipiant.

[*Priests not to excommunicate for trifling matters.*]

Concilium Aurelianense V. (Orleans, A.D. 549).

Can. 2. [Mansi, IX. 129.]

Ut nullus sacerdotum quemquam rectæ fidei hominem pro parvis et levibus causis a communione suspendat, præter eas culpas, pro quibus antiqui patres ab ecclesia arceri jusserunt committentes.

[*To confess all evil thoughts and secret offences to the abbat.*]

S. Benedict of Nursia (*c.* A.D. 480–540).

Regula.

Cap. vii. [Migne, *P. L.*, LXVI. 373.]

De humilitate.

Quintus humilitatis gradus est, si omnes cogitationes malas cordi suo advenientes, vel mala a se absconse commissa per humilem confessionem abbati non celaverit suo, hortans nos de hac re scriptura. . . .

[*The necessity of confession to a spiritual physician.*]

Victor Tununensis (*d. c.* A.D. 567).

De Pœnitentia.

Cap. 3. [Migne, *P. L.*, XVII. 974.]

Vult ergo te magis nosse quid agatur in te, ut cum exponis medico vitium tuum, necessarium tibi propinet antidotum; tunc enim poteris perfectum consequi beneficium medicinæ, si non celes medico tuæ vulnera conscientiæ. Cæterum qualiter curandus eris, qui ea quæ sunt in te absconsa non pandis. Opinor enim, nisi interpelletur medicus, non curatur ægrotus. Exspectat ergo diu sibi ostendi doloris tui causas, ut medicinæ remedium jam curatus intelligas; quid enim medico debeatur, justa æstimatione pensabis, si morbum tuum in te ante cognoveris. Et ut pluribus te non teneam, confessio tua pœnitens medicina est, ipsa te curat, ipsa te vivificat; nec patitur vulnus tuum tenere putredinem, sed mox ut ingemueris, superinducit inde nodabilem cicatricem.

[*Penitence and cure open a second time by recourse to the same spiritual physician.*]

Cap. 12. [Migne, *P. L.*, XVII. 985.]

Sed ais mihi: Peccata peccatis adjeci, et qui jam cadens erectus fueram, iterum cecidi, et conscientiæ meæ vulnus jam pene curatum peccati exulceratione recruduit. Quid trepidas? Quid vereris? Idem semper est, qui ante curavit, medicum non mutabis. Non laborabit explorare valetudinis tuæ causam, nec tentabit erga te noviter medicaminis virtutem examinare, noto te sanabit antidoto. Experimentum adjutorii non exspectat, qui languoris tui novit originem. Unde dudum curatus fueras, inde iterum curaberis: nec tu eris de remedio medelæ suspectus, et medicus de reparatione tua securus. Castigabit plane intemperantiam tuam, et dura objurgatione impatientiam verberabit: sed non negabit auxilium, qui non contemnit ægrotum.

Victor Tununensis.

[*Nakedness of a soul uncovered by the veils of penance, and the garments of confession.*]

Cap. 29. [Migne, *P. L.*, XVII. 1002.]

Quam nuda atque deformis anima nostra remanebit, si nos eam saltem pœnitentiæ velaminibus et confessionis amictibus non obtegamus! nisi quia turpitudinem festinamus abscondere, et animæ operire non contendimus nuditatem, cujus cum sit naturaliter invisibilis pulchritudo, visibilis fiet peccatorum sorde deformitas.

[*The Divine gift of penitence implies the readiness to pardon.*]

Cap. 32. [Migne, *P. L.*, XVII. 1003.]

Certum enim habet donum veniæ, cui permittitur pœnitere: nam procul dubio confiteri non sinitur, cui pietas nulla servatur.

[*Repeated reconciliation after lapses into sin is inadmissible. The ancient discipline of penitence to be observed.*]

Concilium Toletanum III. (A.D. 589).

Cap. 11. [Mansi, IX. 995.]

Quoniam comperimus per quasdam Hispaniarum ecclesias, non secundum canonem, sed fœdissime pro suis peccatis homines agere pœnitentiam, ut quotienscumque peccare libuerit, totiens a presbytero reconciliari expostulent; et ideo pro coercenda tam execrabili præsumptione, id a sancto concilio jubetur, ut secundum formam canonum antiquorum dentur pœnitentiæ, hoc est, ut prius eum, quem sui pœnitet facti, a communione suspensum, faciat inter reliquos pœnitentes ad manus impositionem crebro recurrere; expleto autem satisfactionis tempore, sicuti sacerdotalis contemplatio probaverit, eum communioni restituat. Hi vero qui ad priora vitia, vel infra pœnitentiæ tempus vel post reconciliationem relabuntur, secundum priorum canonum severitatem damnentur.

[*Bishop or* priest *to require shaven heads or changed attire as tokens of penitence.*]

Cap. 12. [Mansi, IX. 995.]

Quicumque ab episcopo vel a presbytero, sanus vel infirmus, pœnitentiam postulat, id ante omnia episcopus observet, vel presbyter ut si vir est, sive sanus, sive infirmus, prius eum tondeat, et sic pœnitentiam ei tradat; si vero mulier fuerit, non accipiat pœnitentiam, nisi prius mutaverit habitum: sæpius enim laicis tribuendo desidiose pœnitentiam, ad lamentanda rursus facinora post acceptam pœnitentiam relabuntur.

[*Lent has thirty-six fasting days.*]

S. Gregorius Magnus (pope A.D. 590–604).

Lib. i., Hom. 16. [Migne, *P. L.*, LXXVI. 1137.]

Homiliæ in Evangelia.

Quamvis de hoc Quadragesimæ tempore est adhuc aliud quod possit intelligi. A præsenti etenim die usque ad Paschalis solemnitatis gaudia sex hebdomadæ veniunt, quarum videlicet dies quadraginta duo fiunt. Ex quibus dum sex dies Dominici ab abstinentia subtrahuntur, non plus in abstinentia quam triginta et sex dies remanent. Dum vere per trecentos et sexaginta quinque dies annus ducitur, nos autem per triginta et sex dies affligimur, quasi anni nostri decimas Deo damus, ut qui nobismetipsis per acceptum annum viximus, auctori nostro nos in ejus decimis per abstinentiam mortificemus. Unde, fratres charissimi, sicut offerre in lege jubemini decimas rerum, ita ei offerre contendite et decimas dierum.

[*The commission to the Apostles is glorious.*]

Hom. 26. [Migne, *P. L.*, LXXVI. 1199.]

Unde et in hac ipsa datione Spiritus dicitur: Quorum remiseritis peccata remittuntur eis, et quorum retinueritis retenta sunt. Libet intueri illi discipuli, ad tanta onera humilitatis vocati, ad quantum culmen gloriæ sint perducti. Ecce non solum de semetipsis securi fiunt, sed etiam alienæ obligationis potestatem (et) relaxationis accipiunt; principatumque superni judicii sortiuntur, ut vice Dei quibusdam peccata retineant, quibusdam relaxent. Sed sic eos a Deo decebat erigi, qui tantum pro Deo consenserant humiliari. Ecce qui districtum Dei judicium metuunt animarum judices fiunt; et alios damnant, vel liberant, qui semetipsos damnari metuebant.

[*Bishops bind and loose: how their unworthiness affects their ministry.*]

Hom. 26. [Migne, *P. L.*, LXXVI. 1200.]

Horum profecto nunc in Ecclesia episcopi locum tenent. Ligandi atque solvendi auctoritatem suscipiunt, qui gradum regiminis sortiuntur. Grandis honor, sed grave pondus istius est honoris. Durum quippe est ut qui nescit tenere moderamina vitæ suæ judex vitæ fiat alienæ. Et plerumque contingit ut hic judicii locum teneat, cui ad locum vita minime concordat. Ac sæpe agitur, ut vel damnet immeritos, vel alios ipse ligatus solvat. Sæpe in solvendis ac ligandis subditis suæ voluntatis motus, non autem causarum merita sequitur. Unde fit ut ipsa hac ligandi et solvendi potestate se privet, qui hanc pro suis voluntatibus, et non pro subjectorum moribus exercet. Sæpe fit, ut erga quemlibet proximum odio vel gratia moveatur Pastor: judicare autem de

S. Gregorius Magnus.

subditis digne nequeunt, qui in subditorum causis sua vel odia vel gratiam sequuntur. Unde recte per prophetam dicitur : *Mortificabant animas quæ non moriuntur ; et vivificabant animas quæ non vivunt.*[1] Non morientem quippe mortificat, qui justum damnat. Et non victurum vivificare nititur, qui reum a supplicio absolvere conatur.

[*A true absolution follows the sentence of the Eternal Judge.*]

Hom. 26. [Migne, *P. L.*, LXXVI. 1200.]

Causæ ergo pensandæ sunt, et tunc ligandi atque solvendi potestas exercenda. Videndum est quæ culpa præcessit, aut quæ sit pœnitentia secuta post culpam, ut quos omnipotens Deus per compunctionis gratiam visitat, illos pastoris sententia absolvat. Tunc enim vera est absolutio præsidentis, cum æterni [2] arbitrium sequitur Judicis. Quod bene quatriduani mortui resuscitatio illa significat, quæ videlicet demonstrat quia prius mortuum Dominus vocavit et vivificavit, dicens *Lazare*, etc.

[*Pastors absolve those whom the Lord has vivified.*]

Hom. 26. [Migne, *P. L.*, LXXVI. 1200.]

Ecce illum discipuli jam viventem solvunt, quem magister resuscitaverat mortuum. Si enim discipuli Lazarum mortuum solverent, fetorem magis ostenderent quam virtutem. Ex qua consideratione intuendum est quod illos nos debemus per pastoralem auctoritatem solvere quos auctorem nostrum cognoscimus per suscitantem gratiam vivificare. Quæ nimirum vivificatio ante operationem rectitudinis in ipsa jam cognoscitur confessione peccati.

[*Inadequate confessions.*]

Lib. v., *cap.* 4, § 55. [Migne, *P. L.*, LXXIX. 392.]

In Primum Regum Expositiones.

Sed quidam dum peccata confitentur, ea nimirum quibusdam vocibus minuunt, dum se non ex toto animo commisisse ostendunt.

[*Confession of no benefit without penance.*]

Lib. vi., *cap.* 2, § 33. [Migne, *P. L.*, LXXIX. 439.]

Quid enim prodest confiteri flagitia, si confessionis vocem non sequitur afflictio pœnitentiæ. Tria quippe in unoquoque considerandæ sunt veraciter pœnitente, videlicet, conversio mentis, confessio oris, et vindicta peccati. Nam qui corde non convertitur, quid prodest ei, si peccata confiteatur. Peccatum quod diligitur confitendo minime deletur. Nonnulli quidem sunt qui peccata

[1] Ezek. xiii. 19.

[2] The Benedictines have preferred to read *interni*.

S. Gregorius Magnus.

confitendo aperiunt, sed non convertendo, nequaquam detestantur. Hi profecto confitendo nihil agunt, quia quod loquendo ejiciunt, amando introducunt.

[*Meaning of* exomologesis.]

S. Isidore, bishop of Seville (bp. A.D. 600–636).

vi. 19. [Migne, *P. L.*, LXXXII. 259.]

Etymologiæ.

Exomologesis Græco vocabulo dicitur, quod Latine *confessio* interpretatur, cujus nominis duplex significatio est. Aut enim in laude intelligitur confessio, sicut est: *Confiteor tibi, Pater, Domine cœli et terræ.* Aut dum quisque confitetur sua peccata ab eo indulgenda, cujus indeficiens est misericordia.

Ex hoc igitur Græco vocabulo exprimitur et frequentatur exomologesis, qua delictum nostrum Domino confitemur, non quidem ut ignaro, cujus cognitioni nihil occultum est, sed confessio est rei, scilicet, ejus quæ ignoratur professa cognitio.

Utile enim sibi ac jucundum quisquam esse existimaverat, rapere, adulterari, furari; sed ubi hæc æternæ damnationi obnoxia esse cognovit, cognitis, iis, confitetur errorem.

Confessio autem erroris professio est desinendi; desinendum ergo a peccatis, dum confessio est. Confessio autem antecedit, remissio sequitur; cæterum extra veniam est qui peccatum cognoscit, nec cognitum confitetur.

Itaque exomologesis prosternendi et humilificandi hominis disciplina est, habitu atque victu, sacco et cineri incubare, corpus sordibus obscurare, animum mœroribus dejicere, illa quæ peccavit tristi tractatione mutare.

[*Lent has thirty-six fasting days, and tithes the year* (*Ash Wednesday not observed*).]

[Migne, *P. L.*, LXXXIII. 772.]

I. 37. *De ecclesiasticis officiis.*

. . . in supputatione tamen Quadragesimæ summa ista legalium decimarum expletur. Totum enim anni tempus triginta sex dierum numero decimatur: subtractis enim a Quadragesima diebus Dominicis, quibus jejunia resolvuntur, his diebus quasi pro totius anni decimis, ad ecclesiam concurrimus, actuumque nostrorum operationem Deo in hostiam jubilationis offerimus.

[*Penitents let their hair and beard grow; and wear sackcloth; and are sprinkled with ashes.*]

II. 17. [Migne, *P. L.*, LXXXIII. 802.]

Hi vero qui pœnitentiam agunt, proinde capillos et barbam nutriunt, ut demonstrent abundantiam criminum quibus caput

S. Isidore.

peccatoris gravatur. . . . Ipsam ergo ignominiam suscipiunt pœnitentes pro merito peccatorum.

Quod vero in cilicio prosternuntur, per cilicium quippe recordatio est peccatorum propter hœdos ad sinistram futuros. . . . Quod autem cinere asperguntur, vel ut sint memores quia cinis et pulvis sunt: vel quia pulvis, id est, impii facti sunt.

[*Penance the remedy for sin after baptism. Lesser sins need only be confessed to* God, *as priests and deacons confess: for greater sins confession is to be made with the priest standing in front of the penitent in the presence of* God.]

II. 17. [Migne, *P. L.*, LXXXIII. 802.]

Pœnitentiæ autem remedium Ecclesia catholica in spe indulgentiæ fidenter alligat exercendum. Et post unum baptismi sacramentum, quod singulari traditione commendatum sollicite prohibet iterandum, medicinali remedio pœnitentiæ subrogat adjumentum.

Cujus remedii egere se cuncti agnoscere debent pro quotidianis humanæ fragilitatis excessibus, sine quibus in hac vita esse non possumus: horum duntaxat dignitate servata, ita ut a sacerdotibus et Levitis, Deo tantum teste, fiat; a cæteris vero, antestante coram Deo solemniter sacerdote, ut hoc tegat fructuosa confessio quod temerarius appetitus aut ignorantiæ notatur contraxisse neglectus. Ut sicut in baptismo omnes iniquitates remitti, vel per martyrium nulli peccata credimus imputari, ita per pœnitentiæ compunctionem fructuosam universa fateamur deleri peccata. Lacrymæ enim pœnitentium apud Deum pro baptismate reputantur. Unde quamlibet magna sint delicta, quamvis gravia, non tamen est in illis Dei misericordia desperanda.

[*S. Eligius in early manhood confessed the acts of his adolescence in the presence of a priest.*]

S. Audoenus, bishop of Rouen (bp. A.D. 640–683).

[Migne, *P. L.*, LXXXVII. 484.]

S. Eligii episcopi Noviomensis Vita 7.

Non post longum spatium cum jam Eligius virilem ageret ætatem, cupiens se vas Deo exhibere sanctificatum, ac metuens ne aliqua suum delicta pectus frustrarent,[1] omnia adolescentiæ suæ coram sacerdote confessus est acta.

[*Bishops by their authority to excommunicate, and afterwards to reconcile.*]

S. Eligius, bishop of Noyon (bp. A.D. 640–648).

Hom. 4. [Migne, *P. L.*, LXXXVII. 609.]

Ut igitur audivit vestra dilectio, hæc omnis pedum lotio

[1] Krusch, *fuscarent.*

S. Eligius.

nostrorum peccatorum est purgatio, unde non incongrue hac ipsa die, sicut Ecclesiæ tenet consuetudo, pœnitentium fit reconciliatio. Ut enim ante nos dictum est a Patribus, cum tanta est plaga peccati atque impetus morbi, ut medicamenta corporis et sanguinis Domini differenda sint, auctoritate antistitis debet se quisque ab altario removere ad agendam pœnitentiam, et eadem auctoritate reconciliari.

[*Regard the bishops, absolving at the* Cœna Domini, *as ministers. The fount of authority is Christ.*]

Hom. 4. [Migne, *P. L.*, LXXXVII. 610.]

In reconciliatione autem vestra, nolite nos episcopos attendere ut auctores, sed ut ministros; ham quis sit auctor, manifestat nobis idem egregius gentium doctor; cum enim discisset: *Ecce facta sunt nova omnia*, addidit: *omnia autem*, id est, invocationis genera, ex Deo qui reconciliavit nos sibi per Christum.

[*The office of the bishops in absolution.*]

Hom. 4. [Migne, *P. L.*, LXXXVII. 610.]

Ideoque quia vices Christi agimus, quos ille invisibiliter absolvendo dignos sua reconciliatione judicat, nos, visibiliter reconciliando, per officium nostri ministerii absolvimus; eos vero qui funibus peccatorum suorum, ante Dei conspectum, adhuc tenentur adstricti, nos quomodo absolvere possumus? Nam, quamvis Deus, sicut dicit sanctus Leo papa, sic suæ bonitatis præsidia ordinaverit, ut indulgentia ipsius nisi supplicationibus sacerdotum nequeat obtineri, quia Mediator Dei et hominum Dominus Jesus Christus, hanc ecclesiæ præsulibus potestatem tradiderit, ut et confitentibus satisfactionem et pœnitentiam darent, et eosdem, salubri satisfactione purgatos, ad communionem sacramentorum per medicinam reconciliationis admitterent; huic tamen operi incessabiliter ipse Salvator intervenit, nec unquam ab his abest quæ ministris suis exsequenda commisit.

[*All Christians do well to be penitent at the* Cœna Domini; *not only the public penitents whom the Church has openly cast forth.*]

Hom. 6. [Migne, *P. L.*, LXXXVII. 612.]

Et quia hæc Dominicæ cœnæ sacra festivitas multa in se habet mysteria; ideo specialiter in ea pœnitentibus, confugium unicum videtur esse ad Dominum. Et non solum publice pœnitentibus, sed etiam omnibus Christianis, quia licet nos in aperto a se ecclesia non abjecerit sicut illos, tamen omnis vita Christiani semper in pœnitentia et compunctione debet consistere.

S. Eligius.

[*All men wish to be accorded Penance before death. Only few in fact obtain it.*]

Hom. 6. [Migne, *P. L.*, LXXXVII. 613.]

Cum enim omnes homines pœnitentiam velint in fine vitæ suæ accipere, vix paucos videmus eam secundum quod desiderant adipisci. Quanti enim qui se ad extremum vitæ suæ pœnitentiam accepturos esse credebant, aut subita ruina oppressi sunt, aut forte naufragio demersi, aut sanguinis ictu, vel illa infirmitate quæ apoplexia dicitur et nervorum contractio, ita percussi sunt, ut non solum pœnitentiam petere, sed etiam signare se aut orationem Dominicam dicere omnino non possent.

[*Exhortation to confession in this life, while confession is possible.*]

Hom. 11. [Migne, *P. L.*, LXXXVII. 636.]

Confiteantur singuli, quæso vos, fratres, delictum suum, dum adhuc qui deliquit in sæculo est, dum admitti confessio ejus potest: illi se anima prosternat, illi mens tota satisfaciat, illi spes omnis incumbat.

[*Penitents are in the garb of penitence with unwashed face and dishevelled hair. At the* Cœna Domini *they look to receive absolution by the imposition of the bishop's hands. But they must be really penitent.*]

Hom. 11. [Migne, *P. L.*, LXXXVII. 636.]

Ad vos præterea nunc spiritualis noster sermo transfertur, quos sub pœnitudinis habitu constitutos, facie squalida et crine demisso peccamina vestra planxisse, et vitia carnis in vobis mortificasse, quantum homini videre possibile est, consideramus. Ante omnia autem vobis scire necesse est quia, licet impositionem manuum nostrarum accipere cupiatis, tamen absolutionem peccatorum vestrorum consequi non potestis antequam per compunctionis gratiam divina pietas vos absolvere dignabitur: tunc enim, ut beatus dicit Gregorius, vera est absolutio præsidentis, cum interni arbitrium sequitur judicis.

[*The bishop by his authority has to absolve those whom* God *has already quickened by His grace.*]

Hom. 11. [Migne, *P. L.*, LXXXVII. 636.]

Ex qua consideratione intuendum est quod nos debemus per pastoralem auctoritatem eos solvere quos agnoscimus auctorem nostrum per suscitantem gratiam vivificasse: quæ nimirum vivificatio, ante operationem rectitudinis, in ipsa jam cognoscitur confessione peccati. Unde et huic ipso mortuo Lazaro nequaquam dicitur, *Revivisce*, sed *Veni foras.*

S. Eligius.

[*The priestly imposition of hands follows the Divine absolution.*]

Hom. 11. [Migne, *P. L.*, LXXXVII. 636.]

Ante omnia autem vobis scire necesse est, quia licet impositionem manuum nostrarum accipere cupiatis, tamen absolutionem peccatorum vestrorum consequi non potestis antequam per compunctionis gratiam divina pietas vos absolvere dignabitur. Tunc enim ut beatus dicit Gregorius vera est absolutio Præsidentis, cum interni arbitrium sequitur Judicis. . . .

Ecce illum jam viventem discipuli solvunt, quem Magister resuscitaverat mortuum! si enim discipuli Lazarum mortuum solverent, fetorem magis ostenderent quam virtutem. Ex qua consideratione intuendum est quod nos debemus per pastoralem auctoritatem eos solvere quos agnoscimus auctorem nostrum per suscitantem gratiam vivificasse: quæ nimirum vivificatio, ante operationem rectitudinis, in ipsa jam cognoscitur confessione peccati.

[*The bishop's imposition of hands in absolution.*]

Hom. 15. [Migne, *P. L.*, LXXXVII. 646.]

Fratres, sicut audistis post evangelicam lectionem, admonitus venio ad oves quæ erraverunt de grege mihi commisso: et non solum erraverant, sed etiam quodammodo perierant. Oportet itaque nos per impositionem manus et per gratiam sancti Spiritus eas a morbo suæ putredinis spirituali medicamine eripere, et sic ad præsepium ovilis reducere, et si necesse est, propriis humeris reportare, de quo diabolo furente sublatæ fuerant.

[*Benefit of confession of sins in Lent.*]

Hom. 15. [Migne, *P. L.*, LXXXVII. 647.]

Quicumque ergo vestrum his quadragenum dierum observationibus pœnitentiam et confessionis suæ debitum se exercuisse recolit, agat Domino gratias, et quidquid templum Dei violando in se destruxerit, non desperet, sed cito de malo iniquitatis suæ consurgat.

[*All who have committed grievous sins exhorted to confession and penance.*]

Hom. 15. [Migne, *P. L.*, LXXXVII. 647.]

. . . similiter quod dico, omnibus vobis dico: clericis, laicis ac sanctimonialibus, ut quisquis se recolit invidiæ aut detractionis, odii quoque et fornicationis, sive incestus vel perjurii, cæterorumve vitiorum contagione attactum, saltem hodie per divinæ salutis medicamentum, in quantum prævalet, se purificare procuret. Confiteatur *adversum* se *injustitiam* suam *Domino, ut remittat impietatem* cordis sui, et *reliquiæ cogitationum ejus diem festum*

S. Eligius.

agent Domino. Tunc enim reliquiæ cogitationis diem festum agunt Domino, quando peccator quilibet, post prius datam confessionem, se cohibere pollicetur ab iniquitate sua, totusque prorumpit in lacrymas et in afflictionem cordis. . . . Quia ergo majora crimina admittentibus majora sunt adhibenda remedia, convertam me ad vos quos ecclesia ex more pœnitentes vocat, cupiens audire et videre quanta intentione deflere studuistis commissa vestra, et quanto studio deinceps procurare vultis ne in barathrum perditionis animæ vestræ relabantur.

[*Reconciliation open to those who have committed capital sins once or twice. The state of more frequent offenders perilous, but not barred from forgiveness, which they should seek without delay.*]

Hom. 15. [Migne, *P. L.*, LXXXVII. 648.]

Si ergo semel aliquis, secundo capitalia crimina admiserit, et ad pœnitentiam fructum confugerit, incolumitatem quam perdiderat recipiet; si vero crimina criminibus cœperit addere, et animarum vulnera tegendo permiserit putrescere, timendum est mirum in modum ne in illo impleatur illud prophetæ, *Computruerunt jumenta in stercore suo;* et illud Apostoli: *Secundum duritiam cordis tui et cor impœnitens thesaurizas tibi iram in die iræ et revelationis justi judicii Dei.* Nam, ut de indulgentia Divina nemo diffidat, Dominus noster per prophetam consolatur nos, *Nolo* (inquiens) *mortem peccatoris, sed ut convertatur et vivat.* Sic tamen non ei fidat, ut sine mora ipsius animam repropitiari æstimet, ne forte si consuetudinem graviter peccandi tenuerit, etiamsi velit, jam de diaboli laqueis evadere non possit.

[*The method of Luxovium to be followed. No bishop to have power or right in the monastery.*]

[*Monumenta Germaniæ Historica. Scriptorum rerum Meroving,* IV. 747.]

Charta cessionis Solemniacensis (Solignac)

. . . ea tamen condicione interposita, ut vos vel successores vestri tramitem religionis sanctissimorum virorum Luxoviensis monasterii consequamini et regulam beatissimorum patrum Benedicti et Columbani firmiter teneatis, et nullam potestatem nullumque ius episcopus vel quelibet alia persona in prefato monasterio neque in rebus neque in personis nisi tantum gloriosissimus princeps pœnitus sit habiturus.

[*Adjuration to keep the rule of Luxovium. In default the abbat of Luxovium to have power to intervene.*]

[*Monumenta Germaniæ Historica. Scriptorum rerum Meroving,* IV. 747.]

Simili modo te, beatissime pater Rimacle abba, tuosque successores vel subiectos post te per individuæ trinitatis maiestatem

S. Eligius.

obtestor et per illam innumerabilem omnium sanctorum, angelorum, archangelorum, patriarcharum, prophetarum, apostolorum, martirum et confessorum catervam exoro, ut regulam supradictorum patrum, quam in sepe memorato monasterio Luxoviense tenent, omni custodia teneatis et vigilias atque obsecrationes ad placandam iram furoris Domini assiduæ impendatis. Quod si, aliqua tepiditate faciente seu subiectorum tumore impediente, a te vel a successoribus tuis sepe memorata regula fuerit dempta aut in aliquo prætermissa et ferventer pro Dei timore a vobis non fuerit adimpleta, licentiam habeat Luxoviensis abbas, qui tunc temporis fuerit, et ex quorum regula tu nobis complacens in hoc monasterio aliis es prælatus, negligentem quem viderit seu abbatem sive subiectum de hoc monasterio quod constitui, benigno animo castigare, ut continuo correptus talis inveniatur, qui pro felicitate et gloria principis et absolutione scelerum meorum Domini indesinenter valeat exorare misericordiam : sic tamen, ut nulla deminutio in rebus vel facultatula ipsa, preter quod super habetur insertum, a sepe memorato principe ullo umquam tempore inferatur.

[*Reception of penitents on Ash Wednesday.*]

The **Gelasian Sacramentary.** [*Ed.* H. A. Wilson, M.A., Oxford, 1894, 15.]

Liber Sacramentorum Romanæ Ecclesiæ.

Suscipis eum iv feria mane in capite Quadragesimæ, et cooperis eum cilicio, oras pro eo, et inclaudis usque ad Cœnam Domini. Qui eodem die in gremio præsentatur ecclesiæ, et prostrato eo omni corpore in terra, dat orationem pontifex super eum ad reconciliandum in quinta feria Cœnæ Domini sicut ibi continetur.

[*Prayers over penitents.*]

[*Ed.* H. A. Wilson, Oxford, 1894, 14.]

Orationes et preces super Pœnitentes

Exaudi, Domine, preces nostras, et confitentium tibi parce peccatis, ut quos conscientiæ reatus accusat, indulgentiæ tuæ miseratio absolvat. Per.

Præveniat hunc famulum tuum, quæsumus, Domine, misericordia tua, et omnes iniquitates eius celeri indulgentia deleantur. Per Dominum nostrum.

Adesto, Domine, supplicationibus nostris, nec sit ab hoc famulo tuo clementiæ tuæ longinqua miseratio. Sana vulnera eiusque remitte peccata, ut nullis a te iniquitatibus separatus, tibi semper Domino valeat adhærere. Per.

Domine Deus noster qui offensione nostra non vinceris, sed satisfactione placaris, respice, quæsumus, ad hunc famulum tuum,

qui se tibi peccasse graviter confitetur. Tuum est ablutionem criminum dare, et veniam præstare peccantibus, qui dixisti pœnitentiam te malle peccatorum quam mortem. Concede ergo, Domine, hoc ut et tibi pœnitentiæ excubias celebret, et correctis actibus suis conferri sibi a te sempiterna gaudia gratuletur. Per.

Precor, Domine, clementiam tuæ maiestatis ac nominis, ut huic famulo tuo peccata et facinora sua confitenti veniam dare, et præteritorum criminum [debita] relaxare digneris. Qui humeris tuis ovem perditam reduxisti ad caulas, qui publicani precibus vel confessione placatus es, tu etiam, Domine, et huic famulo tuo placare, tu eius precibus benignus assiste; ut in confessione flebili permanens clementiam tuam celeriter exoret, et sanctis ac sacris altaribus restitutus, spei rursus æternæ et cælestis gloriæ reformetur. Per.

[*First Sunday in Lent the beginning of Lent.*]

xviii. [*Ed.* H. A. Wilson, Oxford, 1894, 17.]

Orationes et Preces. Dominica in Quadragesima. Inchoantis initium.

Concede nobis, omnipotens Deus, ut per annua quadragesimalis exercitia sacramenti et ad intelligendum Christi proficiamus arcanum, et affectus eius digna conversatione sectemur. Per.

Secreta.

Sacrificium, Domine, quadragesimalis initii solemniter im molamus, te, Domine, deprecantes, ut cum epularum restrictione carnalium a noxiis quoque voluptatibus temperemur. Per.

[*Office for "giving penance." References to confession.*]

[*Ed.* H. A. Wilson, Oxford, 1894, 314.]

INCIPIT AD PŒNITENTIAM DANDAM

Dicis psalmum vi totum : et iterum dicis : Oremus. *Et incipiens psalmum cii usque* Renovabitur sicut aquilæ iuventus. *Dicis deinde psalmum quinquagesimum ; post hoc oratio sequitur.*

Deum omnipotentem et misericordem, qui non vult mortem peccatorum sed ut convertantur et vivant, fratres carissimi, supplices deprecemur, ut converso ad viam rectam famulo suo *Illo* misericordiæ suæ veniam propitiatus indulgeat : et si quæ sunt culparum suarum omnium vulnera, quæ post sacri lavacri unda contraxit, ita in hac publica confessione delicta sanentur, ut nulla in eum ultra cicatricum signa remaneant. Per Dominum nostrum.

Deus, iustorum gloria, misericordia peccatorum, da huic famulo tuo *Illi* plenam indulgentiæ veniam, et pœnitentiæ loco exoratus indulge; ut qui præterita peccata deplorat, futura mala non sentiat, neque iam ulterius lugenda committat. Dimitte ei,

Gelasian Sacramentary.

Domine, omnia crimina, et in semitas eum iustitiæ placatus reinstaura ut securus mereatur deinceps inter tuos bene meritis currere et ad pacis æternæ præmia pervenire. Per Dominum nostrum Iesum Christum.

Domine Deus omnipotens sempiterne, qui peccatorum indulgentiam in confessione celeri posuisti, succurre lapsis, miserere confessis, ut quos delictorum catena constringit, miseratio tuæ pietatis absolvat. Per Dominum.

[*Detailed description of public penance at the beginning of Lent.*]

Canon pseudo-Agathensis (*c.* A.D. 650). [*Ed.* Wasserschleben, p. 136; *Corpus Juris Canonici*, Friedberg, I. 201.]

Regino, *Libri duo de synodalibus causis et disciplinis ecclesiasticis. Lib.* i., *cap.* 295.

Item unde supra.

In capite quadragesimæ omnes pœnitentes, qui publicam suscipiunt aut susciperunt pœnitentiam, ante fores ecclesiæ se repræsentent episcopo civitatis sacco induti, nudis pedibus, vultibus in terram prostratis, reos se esse ipso habitu et vultu proclamantes, ubi adesse debent decani, id est, archipresbyteri parochiarum, cum testibus, id est, presbyteris pœnitentium, qui eorum conversationem diligenter inspicere debent. Et secundum modum culpæ pœnitentiam per præfixos gradus iniungat; post hæc in ecclesiam eos introducat, et cum omni clero septem pœnitentiæ psalmos in terram prostratus cum lacrymis pro eorum absolutione decantet. Tunc surgens ab oratione, iuxta quod canones iubent, manus eis imponat, aquam benedictam superspargat, cinerem prius mittat, deinde cilicio capita eorum cooperiat et cum gemitu et crebris suspiriis eis denunciet, quod, sicut Adam proiectus est de paradiso, ita et ipsi ab ecclesia ob peccata eiiciantur. Post hæc iubeat ministris, ut eos extra ianuas ecclesiæ expellant, clerus vero prosequatur cum responsorio: *In sudore vultus tui vesceris pane tuo*, etc., ut videntes sanctam ecclesiam facinoribus suis tremefactam atque commotam non parvipendant pœnitentiam. In sacra autem Domini cœna rursus ecclesiæ liminibus repræsententur.

[*Public penance at the beginning of Lent.*]

Pontificale Romanum. [*Ed.* Catalani, Paris, 1850–2, III. 17.]

De expulsione pœnitentium ab ecclesia.

§ I. In capite Quadragesimæ solemniter pœnitentes de ecclesia ejiciuntur hoc modo: Pœnitentes, quibus secundum jus vel consuetudinem pro gravioribus criminibus solemnis pœnitentia est imponenda, hac die, hora quasi tertia conveniant ad ecclesiam cathedralem in vilibus vestimentis, nudis pedibus, et vultibus ad

terram demissis, quorum nomina scribi debent, accipientes pœnitentiam juxta modum culpæ ab Episcopo, Pœnitentiario, vel ab aliis quibus hoc officium commissum est, et postea omnes emittuntur, et manent ante fores ecclesiæ.

§ II. Pontifex interim, dicta Sexta, si non sit celebraturus paratur supra Rochetum (vel, si sit Religiosus, supra superpelliceum) amictu, alba, cingulo, stola, pluviali violaceis, mitra simplici, et baculo Pastorali. Si autem Pontifex est celebraturus, dum dicitur Nona, more solito accipit sandalia, et cætera paramenta Pontificalia usque ad dalmaticam inclusive, et desuper pluviale coloris violacei, et mitram simplicem, et benedicit cineres, atque imponit. Quibus peractis, Pontifex cum Ministris, Schola et toto Clero, cruce, aqua benedicta, et duobus cereis præcedentibus, egreditur chorum circa medium ecclesiæ, ubi parata sit sedes. Tunc Clerus dividitur per duos Choros hinc inde versus valvas ecclesiæ. Pœnitentes vero omnes ingressi, prosternunt se cum lacrymis in ecclesiæ pavimento coram Pontifice inter utrumque Chorum. Tunc Pontifex sedens cum mitra, vel Archipresbyter stans imponit cineres super capita singulorum, dicens, *Memento, homo, quia pulvis es, et in pulverem reverteris : age pœnitentiam, ut habeas vitam æternam.* Et unus ex Canonicis aspergit eos aqua benedicta.

§ III. Postea Pontifex stans, deposita mitra, benedicit cilicia in hunc modum : *Adjutoriam nostrum. . . .*

§ IV. Benedictis ciliciis, Pontifex capita eorum cooperit cum eis, dicens. *Apud Dominum* misericordia est. . . .

§ V. Quo facto, Pontifex incipit Antiphonam : *Ne reminiscaris*, et super faldistorium accumbit : et Ministri, et totus populus et pœnitentes prosternunt se in terram, et pro ipsorum pœnitentium absolutione dicunt septem Psalmos pœnitentiales alternatim. Deinde dicitur Antiphona : *Ne reminiscaris* Postea dicuntur Litaniæ. Quibus finitis, Pontifex dicit super ipsos pœnitentes Pater noster. . . .

§ VI. His peractis, surgunt pœnitentes, et facit eis Pontifex sermonem, ostendens qualiter Adam propter peccatum ejectus est de paradiso, et multa maledicta in eum congesta sunt : et qualiter, ejus exemplo, ipsi de Ecclesia ad tempus ejiciendi sunt. Quo facto, accipiat unum ex eis per dexteram manum : et omnes alii, similiter se manibus tenentes, candelas accensas in manibus habentes, subsequantur eum, et ita eos ejiciat de ecclesia, cum lacrymis, dicens : *Ecce ejicimini vos hodie liminibus sanctæ matris*

Pontificale Romanum.

Ecclesiæ propter peccata et scelera vestra, sicut Adam, primus homo, ejectus est de paradiso propter transgressionem suam. Et interim Schola cantat Responsorium, tono vii.: *In sudore vultus tui vesceris pane tuo, dicit Dominus ad Adam. . . .*

§ VII. Et sic eis extra ejectis, et ante valvas ecclesiæ genibus flexis gemendo manentibus, Pontifex in limine ostii stans moneat eos quod de Domini misericordia non desperent, sed jejuniis, orationibus, peregrinationibus, eleemosynis, et aliis bonis operibus invigilent, ut Dominus ad dignum fructum veræ pœnitentiæ eos perducat; quodque feria quinta in Cœna Domini redeant, quoniam tunc in sanctam Ecclesiam reducuntur, quam usque tunc ingredi non præsumant. Et mox Pontifice cum processione ad chorum redeunte, valvæ ecclesiæ ante oculos eorum concluduntur, et incipitur Missa, et proceditur ordine suo.

[*On Good Friday all the people are to ask pardon for their sins in a loud voice.*]

Concilium Toletanum IV. (A.D. 633).

Cap. vii. [Mansi, X. 620.]

Comperimus quod per nonnullas ecclesias in die sextæ feriæ passionis Domini, clausis basilicarum foribus, nec celebratur officium, nec passio domini populis prædicatur; dum idem salvator noster apostolis suis præceperit, dicens: *Passionem et mortem et resurrectionem meam omnibus prædicate.* Ideo oportet eodem die mysterium crucis quod ipse Dominus cunctis nuntiandum voluit, prædicari, atque indulgentiam criminum clara voce omnem populum postulare: ut pœnitentiæ compunctione mundati, venerabilem diem dominicæ resurrectionis, remissis iniquitatibus suscipere mereamur; corporisque ejus, et sanguinis sacramentum mundi a peccatis sumamus.

[*Persons confessing mortal sins in sickness so that they become matter of public knowledge cannot be ordained afterwards.*]

Cap. liv. [Mansi, X. 632.]

Hi qui in discrimine constituti pœnitentiam accipiunt nulla manifesta scelera confitentes, sed tantum peccatores se prædicantes, hujusmodi si revaluerint, possunt etiam pro morum probitate ad gradus ecclesiasticos pervenire. Qui vero ita pœnitentiam accipiunt ut aliquod mortale peccatum perpetrasse publice fateantur, ad clerum vel honores ecclesiasticos pervenire nullatenus possunt, quia se confessione propria notaverunt.

[*The* **Mozarabic Service of Indulgentia** *at Nones on Good Friday.*]

Breviarium Gothicum. [Migne, *P. L.*, LXXXVI. 612.]

Sexta Feria in Parasceve. Ad Nonam pro indulgentia.

. . . . . .

Silentium facite. Preces. Pœnitentes orate, flectite genua Deo. Deprecemur Dominum Deum nostrum, ut indulgentiam criminum, et remissionem peccatorum nobis donare dignetur. Erigete vos: orate, flectite genua Deo. Deprecemur Dominum Deum nostrum, ut lapsis manum porrigat; et præsidium, quod ab eo inquiritur, clementer impertiat. Erigite vos: orate, flectite genua Deo. Deprecemur Dominum Deum nostrum, ut reminiscentes mala quæ gessimus, et deinceps vitemus insidias inimici; ut quos diabolus persuasione sua ab altario Dei subtraxerat patrona revocet effusio lacrymarum. Erigite vos; completa oratione nostra. Omnes pari voce indulgentiam a Domino postulemus.

Prosternimur ad preces. *Trecentis vicibus indulgentiam. o. o. o. o. o. o. Hoc trecentis vicibus.*

℟. Tu, Pastor bone, animam tuam pro ovibus posuisti: Tu Pastor bone. *Repetatur tribus vicibus. Preces.* Prosternimus preces ante faciem tuam: exaudi; placare: indulge Domine et miserere nobis.

Post hæc dicit Diaconus hanc precem: Deprecemur Dominum, ut remissionem peccatorum et pacem nobis propitius donare dignetur.

Deinde dicit Archidiaconus has preces: Te deprecamur, Domine. *P.* Indulgentiam. ℣. Procedat ab Altissimo. *P.* Indulgentia. ℣. Succurrat nobis miseris. *P.* Indulgentia. ℣. Delicta purget omnibus. *P.* Indulgentia. ℣. Præstetur pœnitentibus. *P.* Indulgentia. ℣. Patrona sit lugentibus. *P.* Indulgentia. ℣. Errantes fide corrigat. *P.* Indulgentia. ℣. Lapsos peccatis erigat. *P.* Indulgentia. ℣. Te deprecamur, Domine. *P.* Indulgentiam.

Post hæc dicit Diaconus, etc.

Oratio. Unigenite Filius Dei Patris, cujus caro pretiosa a Judæis damnatur, *etc.*

Qua expleta, exclamat Diaconus Indulgentiam ducentis vicibus c. c. Indulgentias. o. o. o. o. o. o. Hoc ducentis vicibus.

[Another somewhat similar section follows.]

Post, dicto psalmo, una cum Gloria Patri, *dicit Diaconus tertio Indulgentiam, non plus quam centum vicibus. o. o. o. o. o. o. Hoc centum vicibus. Responsorium.* Tu Pastor bone.

. . . . . .

Dicat Presbyter.

Eruti a malo, stabiliti semper in bono, tibi adhærere mereamur Deo et Domino nostro Jesu Christo. Da veniam peccatis nostris, et requiem famulis tuis omnibus fidelibus defunctis. Frange, et percute omnes insidias inimici nostri: defende nos ab omnibus

Breviarium Gothicum.

operibus malis, et confirma in cunctis bonis. Accipe jejunium vel votum nostrum; et exaudi orationem nostram in his diebus, et in totis temporibus. Tribue nobis pacem et securitatem, pietatem, et sinceram charitatem, ac gratiam, stigmate passionis tuæ Deus noster, Filius Dei; qui vivis cum Deo Patre, et regnas cum Spiritu Sancto in Trinitate, unus Deus, permanens in sæcula sæculorum. ℟. Amen.

Dominus sit.

[*A variant form of the Mozarabic service of* Indulgentia *on Good Friday.*]

Le **Liber Ordinum.**

[*Ed.* Dom Marius Férotin, Paris, 1904, 199.]

En usage dans l'Eglise wisigothique et mozarabe d'Espagne.

Eo uero die,[1] *hora nona, signum sonat. Et, siue quando temporanea, seu quando serotina pascha fuerit, hora legitime None ingrediendum est ad officium, quando legimus Christum in cruce positum emisisse spiritum. Et discinctis religiosis omnibus, lignum sancte Crucis leuatur a diacono in patena ad preparatorium, precedendo episcopum ante Euangelium sine cooperturio.*

Mox autem [*ut*] *ipsum lignum positum fuerit super altare, episcopus cum presbiteris et diaconibus in pulpitum. . . . Et inponitur ab episcopo cum diaconibus hic versus :*

Populo meus.

Et dicuntur omnia per ordinem, usque dum Euangelium perlegatur. Post hec, dicit episcopus hunc sermonem.

. . . . . .

Cuius latronis si socii esse uolumus nos quoque similiter cum gemitu proclamemus, atque ita dicamus :

Resp. Memento mei, Domine, dum veneris in regnum tuum.

Deinde quinquagesimus imponitur psalmus, et prout spatium temporis fuerit, aut explicitis uersibus, subsalmatur, aut etiam caput singulis uicibus iteratur. Explicito isto uersu : Ne proicias me, *caput iterum a diaconibus replicatur.*

Exinde iterum repetit episcopus sermonem ab hoc loco. Et dicit :

Hanc ergo confessionem sancti illius latronis.

. . . . . .

Resp. Memento mei, Domine, dum ueneris in regnum tuum.

Postque descendit episcopus de pulpito. Et inponit ita :

Tu pastor bone.

Igitur, omne officium et penitentium preces expletas, mox ut diaconus dixerit et omnes una uoce : Indulgentiam a Domino postulemus, *statim alter diaconus imponit clara voce, dicens ita :*

Indulgentiam.

Et omnis populus simul conclamat :

[1] " Avec cette rubrique commence le rite *Pro Indulgentia* " (Dom Férotin).

Liber Ordinum.

Indulgentiam, *non plus quam septuaginta et duabus vicibus. His explicitis, silentium datur. Et accedens episcopus aut senior presbiter ad altare, orat silentio hanc orationem.*

Oratio post Indulgentias.

Ingeniti Patris Unigenite Christe. . . .

Alia Oratio.

Quas tibi, Domine, pro cruce lacrimas. . . .

Parce nobis, Christe Domine. . . . .

Alia Oratio.

Maiestati tuæ, omnipotens Deus. . . .

Oratio super penitentes.

Exaudi, Domine, supplicum preces, et tibi confitentium parce peccatis: ut quos conscientie reatus accusat, indulgentia tue miserationis absoluat.

In his supradictis orationibus nemo respondit: Amen.

FROM A.D. 450 TO A.D. 650

I. The Continental System

Preliminary survey.

In the foregoing chapters an endeavour has been made to investigate the history of Penance in the early centuries of the Church of Christ: and to that end a fairly full use has been made of the available material. This investigation has been pursued as far as the middle of the fifth century; a period in the West of disruption and overthrow, of barbarism and licence, beyond which the best men could as yet see but little promise of a brighter dawn. The Roman Empire as it had been was for ever gone: the Christian Church might seem to be hopelessly entangled in its fortunes. The decadent peoples overborne were peoples bearing the Christian name: the strong fresh races which overwhelmed them were the heathens of the North and East. Yet

The Church conquers the conquerors.

out of the welter of overthrow the Cross of Christ stood forth to conquer the conquerors: and the servants of the Cross rested not till its impress had been stamped in the waters of Baptism on every tribe and clan from the shores of the Mediterranean to the isles and heights and frozen plains of the inhospitable north.

The history of Penance after A.D. 450.

In the fifteen hundred years which have passed since the dark days of the fifth century the Church of Christ has had her history; a history not less momentous than that of her origins. And she will be found in those fifteen hundred years continuing from age to age in the exercise of her high commission to bind and to loose

Variety of use.

the souls of men. As in the former centuries her methods will show an extraordinary variety. Her needs, her opportunities, her possibilities change with the ages: and with them change her methods of discipline, and her facilities of restoration. But in all her experience of change she claims one and the same empowerment, the commission of her Lord: *Whose soever sins ye remit, they are remitted unto them, and whose soever sins ye retain, they are retained.*

Investigation now confined to the West. Three periods.

The investigation now to be undertaken will confine its scope to the regions of the West. The Western history of Penance from A.D. 450 onwards will be found to fall conveniently into three divisions:—

(1) From A.D. 450 to A.D. 650 stretches a period in which some exercise of Penance is found in practice throughout Western Christendom; an expression which besides the Christian states of Central Europe still covers the North-African seaboard and Spain. Penance is imposed on those who voluntarily seek it; and on those who are visited by authority. The mass of the Christian population, except for death-bed ministrations, stand outside. Three features which had been established throughout the West in the course of the previous period are still commonly found to characterise the Penance of this period. First, the penalty or penance proper is normally public, whether private penance be added or not. Next the reconciliation is also public except in the case of the sick. This public reconciliation takes place at some point of time before Easter. Thirdly, the minister of this public reconciliation is everywhere in the West normally the bishop; the priest reconciling only in cases of emergency. (1) A.D. 450 to 650. A. Continental.

It is in this period that are first traced the beginnings of the association of Penance with the fast of Lent, and the formal admission to the status of penitents in a public service, which tends in time to assume a general or congregational character. Thus in the Spanish service of *Indulgentia* on Good Friday the congregation are the penitents, and the penitents are the congregation.

Meanwhile apart from the rest of Christendom there are discernible in the Irish and British monastic codes of discipline the beginnings of the momentous revolution which substituted private for public penance, and private for public reconciliation, such private reconciliation being commonly effected by a priest; and which also in the process brought about the use of recurring confession as a habit of the devout life. The practice is, however, confined so far to the inmates of monasteries and persons under monastic direction. B. Keltic.

(2) The second of the three periods may be taken to cover the space of time between A.D. 650 and A.D. 950. This period roughly coincides with the progress and success of the northern missions, and, in particular, of the missions in England. The missionaries in England, for reasons which doubtless seemed to them sufficient, in introducing the ordinances of the Christian Church into England, at no time established the continental system of public penance, and of public reconciliation by the bishop, which were in England from the first utterly unknown. The new converts, however, stood not less but more in need of discipline than the Christians of long-settled churches: and the missionaries are found developing into general use a system at once of private confession, of private penance, and of private reconciliation, not by the bishop but by the priest. For the use of the clergy in their ministrations there arises a whole literature of penitential books, of which the *Penitential* of Theodore is the outstanding (2) A.D. 650 to 950.

exemplar. The system so introduced into England is extended to the continent by English missionaries, and by English scholars: and on the continent, where it clashes with the more ancient tradition, it experiences both favour and opposition, till at last it obtains general prevalence. At this time continental Christendom is practically the empire of Charles the Great. Africa and Spain have been lost to Christendom, and of what remains Charles the Great is master. It is among his advisers that the source and centre of the new impetus in Penance is to be found. Rome at this time is all but negligible.

One highly important feature of the English system is that, as there is now no publicity at any point of the practice of Penance, there is also no public bar to the repetition of confession and penalty as often as these may commend themselves to the persons concerned. The practice of habitual confession becomes accordingly a practice of devout persons in the world, precisely as it has long been a practice in the monasteries. It is not, however, of obligation upon any outside monastic rule; and, though obtaining the force of custom, is as yet nowhere required by authority.

(3) A.D. 950 to 1215.

(3) The third period, from A.D. 950 onwards, is the period in which the practice of repeated and habitual confession is developed till it is required of all Christian people by authoritative enactment, and its exercise enforced by penalty.

The present chapter will be concerned with the first of the three periods indicated, the period from A.D. 450 to A.D. 650.

From A.D. 450. Penance employed for two classes: (*a*) voluntary penitents;

(*b*) those attainted by authority.

At the point of time reached in the previous chapters, that is to say, about A.D. 450, the discipline of Penance was employed in the Christian Church for two classes of persons. There were those who, touched by conviction of sin, came forward voluntarily to confess their sin, and to accept the discipline of the Church in the glad hope of her merciful restoration. Such an one was Paulinus of Pella. There were others, who, bearing the Christian name, had wrought such scandal by their sin that authority could not overlook them, but must needs cast them forth. But besides these two classes of persons there were doubtless considerable numbers who neither came forward to confess, nor were attainted by authority. It is obvious that practice would tend to vary, according to the circumstances of place and time. A wave of spiritual force might in a certain place at a certain time lead many to confess, and their examples would make confession seem less irksome to many more: at another time and place the possibility of confession might be well-nigh forgotten. It should not be overlooked that there is as yet no practice of confession as a habit of the devout life.[1] It is

Large numbers escape.

[1] Except under some monastic rules. The *De cœnobiorum institutis* of Cassian, which describes the practice of confession as a monastic discipline in the Egyptian communities, may be assigned to about A.D. 429.

confession for Penance: and should ordinarily find place not more than once in a lifetime. Again it is obvious that the disciplinary activity of bishops would greatly vary. One would be keen in the suppression of evil, and in the bringing of offenders to account: another would tend to let things alone.

It is accordingly not to be supposed that the disciplinary experiences of the Church were everywhere and at all times alike in what have been termed the dark ages. It may reasonably be expected that large numbers of persons guilty of grave fault escaped all discipline, and that of these many continued to make their communions. But at no time and in no portion of the Church was the voluntary confession of the penitent barred: and at no time and nowhere did the bishops cease to exercise their power of excommunication.

Points for inquiry.

Some references may now be made to authorities. Among points with regard to which it is desirable that inquiry should obtain results may be noticed the following:—

(1) The evidence of confessions voluntarily made.
(2) Also of discipline exercised by authority.
(3) The public character of Penance as a recognised status, to which admission is formally made, which has its external garb and tokens, and which is provided with its place in the public worship of the Church.
(4) The public character of reconciliation.
(5) The bishop as the minister of the public reconciliation.
(6) The practice and development of death-bed penitence, in which not only the confession is private, but the reconciliation also is private and effected by a priest; while the performance of penalty is excused.
(7) The prohibitions of the Church as regards the repetition of Penance.
(8) Admissions of the possibility of obtaining the Divine forgiveness outside the public Penance of the Church.
(9) The development of the formal admission to Penance into a congregational service, in which the penitents and the congregation tend to be indistinguishable.
(10) The association of Penance with the fast of Lent.
(11) The habitual practice of confession under monastic rules.

In the latter part of the present chapter will be examined the Keltic system, which is characterised by entirely different features.

Arrangement chronological.

The investigation will now be concerned only with the churches of the West: and in view of the length of the period considered, and of the close affinities of the Western churches, it will be found to be convenient to follow a chronological rather than a local arrangement.

First may be noticed the memoranda which are given in the

The *Liber Pontificalis*. Simplicius appoints three more stations at Rome for penitents and baptism.

Liber Pontificalis of the order taken by Pope Simplicius in the churches of the outer Rome. Simplicius occupied the Roman see from A.D. 468 till A.D. 483, and in the course of these years was witness of the fall of the Western empire and of the accession of Odoacer as king of Italy (A.D. 476). The change does not appear to have much affected the pope or the church of Rome. Odoacer, though an Arian, did not interfere with ecclesiastical affairs: and Simplicius is found developing details of administration as though the world were not swaying about him.

The *Liber Pontificalis* in its earliest form may be assigned according to Duchesne to about A.D. 514, a date which would bring the occurrences of the pontificate of Simplicius well within living memory. The notice of the *Liber* is as follows:—

> "He appointed weekly stations (*ebdomadas*) at S. Peter the Apostle, at S. Paul the Apostle, and at S. Lawrence the Martyr for presbyters to attend on account of penitents and baptism: region III at S. Lawrence, the first region at S. Paul, region VI or VIIth at S. Peter."

The first edition appears to have had instead of *propter pœnitentes et baptismum* the somewhat more explicit statement *propter baptismum et pœnitentiam petentibus*, "for those *seeking* Penance."

It will be remembered that the same *Liber Pontificalis* attributed to pope Marcellus (A.D. 307–309) the establishment of the twenty-five *titles* or parishes of the city of Rome "on account of the baptism and penance of the many persons who were being converted from the pagans, and on account of the sepulchres of the martyrs." This had been a century and a half before the time of Simplicius, and it may be presumed that during that time the provision made had proved fairly adequate to the needs of the Roman church. The priests of the titles, resident within their spheres of responsibility, were in continuous attendance for the services required of them. The provision now made by Simplicius is but a slight extension of the established order. It deals with three of the greater basilicas which had not been numbered among the twenty-five titles. One is the basilica of S. Peter in the Vatican, and the other two are basilicas without the walls, S. Paul and S. Lawrence. Simplicius now finds it well to provide these important churches with some facilities of ministration corresponding to the order prevalent in the churches of the titles.

The African Catholics persecuted by the Vandals.

The Catholic Christians of Africa fell upon evil times at the close of the fifth century. The ruthless Vandal invasion was for them hardly inferior in horror to that final cataclysm of the Musalmán conquest, which two centuries later was in the mysterious providence of God permitted to wipe the African province clean off the map of Christendom. A deeply interesting record of the times has been left by one of the African bishops named

Victor, and commonly distinguished as Victor Vitensis, presumably from the name of his see. It is styled *Historia Persecutionis Africæ Provinciæ*.[1] *Victor Vitensis.*

Victor narrates how in the year A.D. 483 Hunneric, then king of the Vandals, set on foot an appalling persecution. He states that in the hope of eliciting charges against the clergy Catholic virgins were hung up naked with heavy weights attached to their feet, their breasts and backs being burnt with red-hot irons. From among the Catholic people generally four thousand nine hundred and seventy-six persons, bishops, priests, deacons, and lay-people were after ghastly experiences of imprisonment, driven in a herd into banishment among the savage Moors of the desert. On their route they were surrounded by the faithful, who crowded the roads and occupied the hills and valleys, holding lighted tapers in their hands, and casting their infants upon the ground at the feet of these witnesses to Christ.

Victor places in the mouths of the Catholic people at this time the following appeal, which must be understood as addressed to the clergy.

> "To whom do you leave us wretched ones, while you go forward to your crowns? Who are now to baptize these little ones with streams of living water? Who will now minister to us the office of Penance, and by the concession of reconciliation loose those who are bound in the chains of their sins? Because to you it is said: *Whatsoever ye shall loose upon earth shall be loosed also in heaven.*" [2]

From this passage it appears to be clear that in Africa in A.D. 483 it was understood that certain persons were in possession of our Lord's commission to loose upon earth: and it is hardly disputable that these persons would be, as in S. Augustine's day, the bishops, with the priests in cases of emergency. These ministers of Penance conferred the privilege or status of Penance (*pœnitentiæ munus collaturi*) by which may be understood as elsewhere in the West the original admission of penitent persons to the status of Penance on their confession of sin and indication of repentance. The same ministers, after the penance or penalty duly accomplished, by the concession or indulgence of reconciliation (*reconciliationis indulgentia*) loosed those who were bound in the chains of their sins. It appears to be clear that the persons who would suffer privation by the absence of the clergy would be those sinners, who voluntarily seeking to confess their sins, and to accept the status of penitents with a view to the absolution of the Church, would find no persons holding the necessary commission to whom they could resort.

Ministers confer the status of Penance.

Also reconciliation.

A document comes next for consideration which might seem

[1] Otherwise, *De Persecutione Vandalica.*

[2] *Lib.* ii. 11.

Synodical letter of Pope Felix III.

to be one of the riddles of history. It is the synodical letter of pope Felix III., written in the year A.D. 488 to express the conclusions of the synod of bishops held at Rome in that or in the previous year with regard to the African apostates to Arianism.

Grades of penance.

It is remarkable as requiring terms of penance graded according to the system which has been seen in force in the Asian provinces.

No sign of these grades in the Roman church.

Up to this time there has been no sign of the employment of these grades in the Roman church. No trace of such employment has been noted in the writings of S. Jerome, of S. Siricius, of S. Innocent I., of S. Leo the Great. Here first, and so far as appears here only, in the year A.D. 488 are the grades enjoined by Roman authority. The authority is that of the Roman bishop, who is at the same time enunciating the decisions of a Roman synod.

Reference has already been made to the savage cruelty of the persecution which the African Catholics had to undergo from the Arian Vandals under Hunneric. That under the stress of such a persecution many were found to lapse, and to accept rebaptism from the Arians, can hardly be matter of surprise. When Hunneric died in A.D. 485 his successor Gundamund removed the pressure of the persecution, and many of the deserters then applied for readmission into the Catholic Church. For whatsoever reason the matter was dealt with in Rome by the synod of A.D. 487 or 488, in which thirty-nine Italian and four African bishops took part.[1]

The synod decreed first that bishops, priests, and deacons, who had allowed themselves to be rebaptized by the Arians whether willingly or under pressure were to do penance during life and to be admitted to lay communion only at the point of death (*communio laica tantum in morte reddenda est*).

Next, as regards other persons, the synod decided as follows :—

> "As regards clerks and monks, or dedicated virgins, or lay-people, we prescribe observance to the same effect as the Nicene synod has decreed to be observed with regard to those who have or shall have lapsed. In the case of those who, without any constraint, and under no fear or danger, impiously surrendered themselves to be rebaptized by the heretics : if, notwithstanding, they are heartily penitent, they are to be for three years among the Hearers : they are to lie under the hands of the priests among the penitents (Fallers) for seven years : and for two years they are not to be permitted to make offerings in any way, but only to be associated in the Prayer with the congregation (Bystanders)." [2]

In the case of impending death such penitents were to be assisted (1) by the bishop who had accorded the Penance, or (2) by

[1] Hefele, *Conciliengeschichte*, § 215. [2] S. Felix Papa III., *Epist.* 7.

another bishop who had satisfied himself that Penance had been accorded, or (3) by a priest (*presbytero*). Other provisions deal with the case of young persons.

That a Roman bishop and synod should prescribe the observance of penance graded as three years among the Hearers, seven among the Fallers, and two among the Bystanders, is fairly startling. Is there any evidence that anything of the kind had ever been known in the practice of the Roman church itself? The answer must be in the negative. What then is the explanation?

It must be remembered that since the persecution under Diocletian the Roman church had known no serious onslaught. In A.D. 488 there had, in fact, been no apostates for a century and three-quarters, because for that period there had been no stress of persecution to produce them. When, therefore, the synod under Felix sought for precedents in dealing with the case of an apostate they would, in fact, have to go back as far as the decisions of the Nicene council. In those decisions they would find authoritative material which would at once commend itself to the whole Catholic Church: and a small synod assembled at Rome could in any case hardly assume to supersede the Nicene decisions. The synod finds it convenient to cite the Nicene canons as it has received them. Whatsoever the provisions of the great council may involve; howsoever the African church may interpret them in practice; there can at least be no carping at the authority of Nicæa.

The synod in fact cites the Nicene canons.

This would seem to be the explanation of the appearance of the Asian graded system in the letter of Felix III. There is no evidence that that system was ever in effective use anywhere in Western Christendom.

The provision made for young persons is interesting. These (boys, whether clerical or lay, and girls) are to be excused acts of penance, but are to be "kept for some time under the imposition of the hand," after which communion may be restored to them. It is to be noted that the "imposition of the hand" is not here one act, granting the status of penitent and at the same time liberating from its constraints, but is a series of acts of imposition spread over some time.

For young persons the imposition of the hand for a time.

S. Fulgentius, bishop of Ruspe (A.D. 468–533), is an African writer who comes somewhat later than Victor Vitensis and the troubles of the persecution under Hunneric. He has left a treatise *On the Remission of Sins* in two books. He is perhaps of all early writers the most insistent that the remission of sins is not to be had outside the Catholic Church.[1] He has something to say about the necessity of penitence in confession and of amendment of life after it; and he probably has in mind confession of which the Church can take cognizance: but he does

S. Fulgentius of Ruspe.

No remission outside the Catholic Church.

[1] I. 19. 22.

not expressly limit his words in this sense. He says that for the remission of sins (1) faith, (2) work, and (3) time rightly spent are necessary conditions.[1] On one point he takes up a position which is at variance with the best teaching of the ancient Church, although, as has been seen, S. Augustine goes a long way in the same direction. Fulgentius repeatedly affirms that sin not remitted here will not be remitted hereafter; that what the Church has not loosed in this world cannot be loosed in the world to come.[2]

Sin not remitted here will not be remitted hereafter.

Gennadius.

Gennadius, priest of Marseilles, died in A.D. 496. His life would be wholly comprised in the fifth century. The fifty-third chapter of his book *On Ecclesiastical Doctrines* may be cited entire for its testimony to the relation at this period between sin and communion.

> "The daily reception of the communion of the eucharist I neither praise nor assail. But every Sunday I persuade and exhort that communion should be made, provided that the mind be without the desire of sin. For I affirm that he who retains the will to sin is rather weighed down than purified by the reception of the eucharist. And on the other hand, although a person may be bitten by sin, if he have not for the rest the desire of sinning, let him also as about to communicate make satisfaction by tears and prayers: and trusting in the mercy of God, Who has been wont to accord the forgiveness of sins to pious confession, let him approach to the eucharist intrepid and secure. But this I say of him whom capital and mortal sins do not weigh down: for I exhort him whom mortal offences committed after baptism oppress to first make satisfaction by public penance, and so, being reconciled by the judgment of the priest, to associate himself in communion, if he wish not to receive the eucharist to his own judgment and condemnation. But we do not deny that mortal sins can be absolved by secret satisfaction: but first let him seek pardon from the mercy of God by changing the secular habit, and by confessing through correction of life the desire of religion, and of the yoke in even perpetual mourning. In this way only may he do penance as the counterpart of those matters of which he repents, and let him receive the eucharist suppliant and submissive every Sunday till his death."

Those who communicate must be free from the will to sin. For committed sin there should be tears

Thus, towards the end of the fifth century Gennadius in Marseilles desires the faithful to communicate every Sunday; but adds the warning that they must be free from the will to sin. If they are so free, but with committed sin to repent of, they are to make satisfaction by tears and prayers, and then to communicate "trusting in the mercy of God, Who has been wont to accord the forgiveness of sins to pious confession." Gennadius

[1] I. 5. [2] I. 24; II. 17. 22.

proceeds to except from this sanction all who have committed "capital and mortal sins"; which may be probably understood of the three sins of apostasy, impurity, and bloodshed. Of these persons he says that they must make satisfaction by public penance or by the monastic life.

and prayers. If the sin be capital there must be public penance or the monastic life.

When Gennadius says that God "has been wont to accord the forgiveness of sin to pious confession," no mention is made of a priest or other person to whom such confession would be made. The statement is probably best understood as meaning confession to God. The expression of opinion that persons who have offended in capital or mortal sins are bound to make satisfaction by public penance unless they become religious is important as showing that the now nearly approaching recognition of a private alternative for persons living ordinary lives in the world is towards the close of the fifth century unknown. The one alternative to public penance admitted by Gennadius, the adoption of the monastic or religious life, is also important. It means that religious persons passed out of the ordinary Church discipline, and that their severe and penitent life was expected to supply what was wanted. This alternative to public penance has not been found stated in the same way before: but it is worthy of notice that when in the ninth century S. Paulinus of Aquileia wrote his important letter to Heistulf on the penance required for mortal sin, he makes the same demand; either public penance or the monastic life.

In the eighteenth chapter of the same book *On Ecclesiastical Doctrines* Gennadius treats of the Penance of the dying.

> "We believe without doubt that sins are abolished by Penance, even if it be the Penance of those admitted in the last breath of life, and sins are made manifest by open lamentation; because the purpose of God, whereby He decreed to save that which had perished, stands firm; and so because His will is not changed, the pardon of sins may be confidently presumed, whether on amendment of life, if time be allowed, or on suppliant confession, if death immediately follow, from Him Who desires not the death of a sinner, but that he should by penitence be turned aside from perdition, and being saved by the mercy of God should live." [1]

The confession of the dying may find pardon.

Thus in the fifth century a priest of Marseilles teaches that in the case of dying persons confession may stand for the whole discipline of Penance, and find the Divine pardon.

It was, however, precisely on this point of death-bed penitence that the churches of southern Gaul had in the first half of the fifth century displayed a rigorism which Pope Celestine I. had regarded as un-Christlike. Nor had the sterner temper yet passed

Differences of opinion in southern Gaul.

[1] *Cap.* 80.

away. S. Cæsarius will be found dealing with a burning controversy on this very subject. Many in his day questioned whether, if a man died immediately after Penance had been accorded to him, he could possibly attain to full forgiveness; and the contention was accompanied by some little mutual heat of feeling (*non sine parva inter se animositate contendunt*). The grave and considered judgment of S. Cæsarius will be noticed in its place.

Faustus of Reii.

Meanwhile attention may be given to Faustus, bishop of Reii, who was identified with the rigorist contention. Faustus, who seems to have been a native either of Britain or of Brittany, had in early life entered the famous monastery of Lerins. At once an ascetic, a student, a philosopher, and a preacher, he was conspicuous in the community; and on the death of the abbat Maximus, was elected to succeed him. This was about A.D. 433. Later, at some uncertain date, Faustus became bishop of Reii, now Riez, in the Narbonensis Secunda.

Faustus was in his day a leading and an honoured prelate. After his death his flock at Reii remembered him as *Sanctus Faustus Reiensis*, and erected a basilica which they dedicated in his name. Later ages have commonly identified him with the Semi-Pelagian perversion, and have accordingly treated him as a suspect.

In the matter of death-bed penitence Faustus took the sterner line. In a homily [1] which is assigned to him by competent judges [2] he remarks that he has noticed that many of his hearers refrain from communicating, and attributes this to grave sins weighing on the conscience. He says that such persons are no doubt counting on obtaining forgiveness from God by Penance when death shall approach.

> "But this persuasion is of no avail. It is a little thing for a sinner to become a penitent, unless he perform his penance. For the curing of offences the voice of the penitent alone is insufficient: for in the satisfaction for great sins not words only, but acts, are required. Penance is indeed accorded at the last extremity, because it cannot be denied: but we can give no assurance that he who has thus sought Penance is found worthy of absolution. . . . Thus the Penance which is sought by a man in his infirmity, is itself infirm. I fear lest a Penance which is only sought by a dying man may itself be stricken with death." [3]

Death-bed penitence insufficient, because acts of

The judgment of Faustus is thus in direct antagonism to that of Gennadius. By Gennadius a death-bed confession, when the acts of penance were no longer possible, was found sufficient. By

[1] Sermon 255 in the Appendix to S. Augustine (Migne, *P. L.* XXXIX.).
[2] Malnory, *S. Césaire d'Arles*, 190.
[3] S. 255.

Faustus the Penance was found insufficient, precisely because the acts of penance were not forthcoming.

penitence not forthcoming.

In another sermon, the third of those assigned to Faustus in Migne's *Latin Patrology*, there is a clear statement that persons entering the monastic life were exempt from the requirement of public penance.

Monks exempt from public penance.

> "Therefore to him who renounced (the world) public penance is not necessary, because in his conversion he has groaned and entered into an eternal pact with God. From that day therefore the offences which he committed in the world are not remembered, the day in which he promised God that for the rest of his life he would do righteousness."

He goes on to say that the monk need not fear to communicate. It has been seen that Gennadius asserts that for capital and mortal offences there must be public penance or the monastic life. Here the claim of exemption for monks is made by Faustus, whose training and life had been monastic.

So far as appears the act of monastic profession was held sufficient: and even private absolution in the monastery was not regarded as essential.

The point of view thus accepted by Gennadius and Faustus, and doubtless freely by others also at this time, has its importance in view of the introduction of the private system of Penance by the Irish monks not long after this.

S. Avitus.

S. Avitus, who was archbishop of Vienne at the close of the fifth century (*d.* A.D. 532), received a letter asking for counsel from one of his suffragans, Victurius bishop of Gratianopolis. An elderly citizen of Gratianopolis, named Vincomalus, had some years before married his deceased wife's sister. He had now been charged with it, and had admitted the fact. What was to be done? In the first of two letters on the subject Avitus indicates the importance of separating the parties: and a little later Vincomalus is brought by a deacon to see the archbishop, with the result that a separation is agreed upon. But now about the penance to be required? S. Avitus has found the offender a common sort of man (*hominem crudum*), and evidently does not expect much more from him. He advises Victurius to admit the separation of life in lieu of the formal penance. Let the man be admonished to perform (*agere*) some acts of penance; but not be required to accept (*accipere*) the status of a public penitent.[1]

Case of a man who married his wife's sister.

Counsel that separation of life be accepted without the requirement of public penance.

Julianus Pomerius was a Mauretanian, who in the latter half of the fifth century opened a school of rhetoric at Arles, and was after a time ordained priest. He is noticed by Gennadius as still writing in his day.[2] An approximate date for the activity of Julianus may be given as A.D. 495. Of his various writings the

Julianus Pomerius.

[1] S. Avitus, *Epistolæ*, 14–16. [2] *De Scriptoribus Ecclesiastici*, 98.

only one which has survived is the *De vita contemplativa*, a treatise in three books, which was formerly assigned to S. Prosper. Julianus, although a Mauretanian, appears to have spent all his working years in southern Gaul, and his writings may be taken as witnessing to the practice of the Christian population of that province.

The *De vita contemplativa*. Confession to the clergy.

In the *De vita contemplativa* [1] he writes of brethren who confess their sins to us (*nobis*), where the reference appears to be to the clergy.

> "But when some of our brethren confess to us their sins, and, as to physicians, disclose the wounds by which they are afflicted; we ought to give our care that, under the guidance of God, they attain to health as quickly as possible, lest by an unreal cure they should only proceed from bad to worse."

It may therefore be taken as clear that in the church of southern Gaul some sinners confessed their sins to their brethren, and that these confessions were almost certainly made to the clergy.

Discipline by authority.

Again, there were cases where the sins were notorious, and called for discipline even though the persons might not desire to confess them. Such cases, so far as they were not met by quiet and gradual remedies, called for the searing of a righteous reproof. If, however, such persons would not be corrected, they were to be cut off by excommunication, as a mortified limb from the body.

Offenders may discipline themselves.

Others, again, there were whose offences had not come within public knowledge, and who had not seen fit to confess them. Such persons must expect to find that God, Who had been the Witness of their sins, would become the Avenger of them. They should discipline themselves.

> "But if they become their own judges, and as it were the avengers of their own iniquity, let them exercise here against themselves voluntary penalty of the most severe chastisement: so they will exchange everlasting punishments for temporal penalties, and will extinguish the conflagration of eternal fire by tears flowing from true compunction of the heart." [2]

Some communicate without justification.

Of persons who had thus offended by grave secret sin some at least there were who continued to make their communions.

> "But they who have committed such sins, and fear to avow them lest they should be visited with the sentence of a just excommunication yet communicate without justification (*sine causa communicant*); these in truth heap up against themselves in double measure the anger of the Divine indignation, first by pretending innocence before men, and next by their contempt of the judgment of God in that they blush on account of men to absent themselves from the altar." [3]

[1] II. 7. 1. [2] II. 7. 2. [3] II. 7. 3.

Such persons would more readily obtain the Divine forgiveness if they would either (1) admit the offences by their own confessions, or (2) carry out upon themselves the sentence of a voluntary excommunication.

Julianus thus appears to have regarded (1) the confession of sin and (2) self-inflicted penance and excommunication as alternative methods of obtaining the Divine pardon. Alternative courses.

Among these secret offenders were some ecclesiastics, who, because their offences were unknown, went on communicating and exercising their functions, deceiving themselves "by a vain persuasion." [1] Case of ecclesiastics.

The willingness of Julianus Pomerius to acknowledge as a valid Penance a course of penance self-inflicted accompanied by a self-inflicted excommunication is the first evidence which has come before us of an important step in the history of Penance in southern Gaul, which will shortly claim further attention in connexion with the teaching of S. Cæsarius of Arles. It may be well here to recall certain fundamental assumptions which lie at the root of the whole discipline of Penance. In the theology of the Catholic Church a human being must be either (*a*) in a state of life, grace, salvation, or (*b*) in a state of death, sin, condemnation. He must either be reconciled to God or not reconciled to Him: and he cannot be in both states at one and the same moment of time. In Holy Baptism the baptized person, if he have the necessary dispositions of faith and repentance, is understood to pass from the state of sin into the state of grace, from the welter of the unreconciled into the living unity of the reconciled in the Body of Christ. In that glad attainment he should remain till God close his earthly days. But if after Baptism he sin against God in such capital fashion that he needs must pass out of his state of life and grace, and out of the fellowship of the reconciled, what hope has he then? The answer of the Church in the West has thus far been that once after Baptism he may by the exercise of Penance be restored. He may through Penance once again pass from the state of sin and death into the state of grace and life. Assumptions underlying the discipline of Penance.

When Pomerius teaches that besides the recognised discipline of confession of sin, bringing with it, as would appear, the public excommunication, the public exercise of penance, and the formal reconciliation, there may also be admitted a self-inflicted penance which knows nothing of all this; it would be a mistake to suppose that he is taking up the position that a real or sacramental Penance is not necessary. The person is unreconciled, in a state of sin: and therefore he must not while in that state dare to receive the Holy Eucharist. He must, at any rate, excommunicate himself. He will at the same time inflict upon himself all the discipline of fasting and self-repression which is indicated by the pronouncements of the Church, and for the due time. When this has been Self-inflicted penance an important departure.

[1] II. 7. 2.

duly accomplished, the penitent may expect the Divine forgiveness as the fruit of such effectual penance (*reconciliato sibi efficacis pœnitentiæ fructibus Deo*). In the language of a later theology such penance has sacramental efficacy. It appears to be understood that the penitent person will now be at liberty to remove his self-inflicted excommunication, and to approach the altar.

Thus, according to the teaching of Pomerius at Arles at the close of the fifth century Penance might be effected in two ways. There was first the ancient and canonical Penance involving, as may be gathered, (*a*) confession of sin, (*b*) exclusion from communion, (*c*) penance or penalty exercised in public, (*d*) public reconciliation by the bishop, (*e*) after disabilities for the whole term of life. There was also possible an alternative Penance in which the sinner excommunicated and disciplined himself without anything of all this public circumstance, and also without having made confession to a priest. There is at this time in the churches of the Western continent no evidence forthcoming of private absolution by a priest after the confession of the penitent in time of health.

The evidence of the churches of southern Gaul at the close of the fifth century and at the beginning of the sixth includes the already cited writers Gennadius of Marseilles, Faustus of Reii, Avitus of Vienne, and Julianus Pomerius of Arles; and besides these the great prelate and indefatigable preacher S. Cæsarius of Arles, in connexion with whom must also be taken some provisions of the Council of Agde (A.D. 506) and of the Fourth Council of Arles (A.D. 524), over both of which S. Cæsarius presided.

S. Cæsarius of Arles.

S. Cæsarius, styled of Arles from the metropolitan see which he occupied for the forty years from A.D. 502 to A.D. 542, was born about A.D. 470 [1] at Chalon near Autun. At the age of thirteen he betook himself to the famous monastery of Lerins, where for a time under the abbat Porcarius he was trained in the monastic life and in the sacred learning of which Lerins was at the time a conspicuous centre. At some period in his early manhood his austerities were found to have injured his health, and he was sent to Arles to recover. It is interesting to learn that at Arles Cæsarius attended for a time the rhetorical school of Pomerius, but that his scruples shortly brought these profaner studies to a close. At Arles the bishop Eonus came to know and to appreciate Cæsarius, and having obtained the consent of the abbat Porcarius, ordained him first deacon and then priest. There followed a period of three years during which Cæsarius presided over a monastic house on a little island in the Rhone by Arles. Eonus, feeling the approach of death, recommended the clergy and laity of Arles to appoint Cæsarius as his successor, and accordingly in the year A.D. 502, at the age of about thirty-three, the

[1] Malnory states: "The second half of the year 470, or the first half of the year 471" (*S. Césaire d'Arles*, 1).

great prelate entered on the forty years' episcopate with which his name is associated. He was conspicuous among those bishops of southern Gaul who amid the general dissolution of the fabric of imperial Rome maintained the claims and the charities of the Christian faith. In the Arles of his day may be discerned flitting across the scene Roman provincials, Ostrogoths, Visigoths, Franks and Burgundians: but Cæsarius is ever there to represent worthily the Catholic Church of Jesus Christ.

Moral condition of southern Gaul.

The moral condition of the population of southern Gaul was in the days of Cæsarius terribly relaxed. Some of his sermons are on this subject remarkably outspoken. Very few, he says, care to preserve their chastity.

> "And what is worse many there are, who even when they are seen to have wives, by the persuasion of the devil pretend indeed to maintain (conjugal) chastity; but either with slave women, their own or those of others, or with the wives or daughters of outside persons, kindled by the madness of lust, fear not and blush not so to commit adulteries as neither to fear God nor respect men." [1]

He goes on to declare that persons who have knowledge of such offences, if they neither reprove the offenders nor bring such sacrilegious persons to the notice of the priest, lay themselves open to the suspicion that they may themselves be involved in similar offences.

The conventional tone as regards the sins of men is deplorable. Cæsarius knows but one law for men and women alike.

> "Yet an unhappy custom has been introduced that, if a wife is found offending with a slave, she is punished; but that if a man wallows in the sewer of lust with many slave women, not only is he not punished, but rather finds applause from his fellows." [1]

The concubinage of men before marriage is so widespread

> "that the bishop cannot excommunicate all, but with groans and sighs endures and waits in the hope that the gracious and merciful Lord may give them such fruitful penitence as may enable them to attain to pardon." [1]

The popular judgment esteems such concubinage as no sin (*putetur non esse peccatum*). Cæsarius protests:—

> "Behold, before God and His angels I proclaim that, whether before marriage or after marriage, whosoever has taken to himself a concubine, commits *adulterium*." [1]

In another sermon he again complains that prenuptial fornication is not esteemed a sin of any gravity.

[1] S. 288.

The condition of affairs here revealed corresponds all too closely with the statements of Salvianus of Marseilles. Only whereas Salvianus is suspected of exaggerating to improve his argument, Cæsarius is here charging a community with the like offences in a sermon where he meets them face to face. The main root of the evil would seem to have been the legal recognition of property in slaves, which made the slave women the mere chattels of the master. Matters were not greatly better in the southern states of the American Union in the days before the Civil War.

Outward marks of penitents.

It was in such a community that in the time of Cæsarius the practice and traditions of the Church were still calling for the ancient discipline of penance. The requirements of that discipline were stern. In the Council of Agde, over which Cæsarius presided in A.D. 506, it was decreed as follows :—

> "Penitents, at the time of petitioning for Penance, are to obtain from the priest the imposition of hands and the *cilicium* (haircloth) upon the head, as is everywhere appointed. If, however, they have not laid aside their hair, or changed their garments, let them be rejected : and unless they have repented worthily, let them not be received." [1]

It thus appears that the reception to Penance involved the shaving of the head, the penitential garb, the imposition of the hands of the priest, and the covering of the head with a hood or wrap of goats'-hair cloth. In Sermon 261 Cæsarius notes that he who accepts Penance is covered with this cloth of goats' hair; and remarks that he is thereby admitting that he is not a lamb, but a goat. He goes on to say that the penitent who has accepted Penance, being thus covered with haircloth is expelled from the church (*foris ejicitur*). In seeking Penance he, in fact, asks to be thus excommunicated.

Terms of public penance.

Terms of penance may still be considerable. The canon printed in the collections as Canon 60 of Agde may perhaps not be rightly assigned to that council. It will appear again in the canons of the Council of Epaon (A.D. 517), to which it may be understood to belong. But it may be considered here. By the terms of the canon those who have lapsed into heresy, a fairly common failing, as may be supposed, in the days of Arian invasions, are required to fulfil two years of penance; such penance to involve fasting without relaxation, and the frequentation of the church. They are with humility to stand and pray in the place of penitents (*in pœnitentium loco*). They are only to remain for the first part of the Liturgy, and are to depart when the catechumens are warned to go. By such a course of penance they may find admission to the altar. But they are grimly told that if they do not like it they will have to comply with the ancient canons.

[1] C. 15.

The public penance is described by Cæsarius (Ser. 104) as being of special fitness for capital sins, because it is right that he who has ruined himself to the destruction of many should redeem himself to the edification of many. It is clear that a certain number of persons practised public penance. In Sermon 261 Cæsarius says that "as often as we see any of our brethren or sisters seeking penance in public, we can and ought to kindle in ourselves, God inspiring us, a great compunction of Divine fear." In the same sermon he gives as a reason for public penance that the penitent "considering the multitude of his sins sees that he is not alone sufficient to deal with such grave evils, and desires to seek the aid of all the people." In Sermon 262 Cæsarius repeats as a reason for public penance that he who has ruined himself to the destruction of many, should redeem himself to the edification of many.

Public penance suited to capital sins.

When reconciliation was accorded publicly, it was the bishop who accorded it. By Canon 44 of Agde a priest was peremptorily forbidden to bless a penitent in church, whether this refers primarily to reconciliation or to other forms of benediction.

Priests not to bless penitents in church.

There were disabilities after Penance. The 43rd Canon of Agde provides that none are to be ordained after Penance, or, if any have been ordained in ignorance that such are not to exercise their ministry. The ordination of penitents is also forbidden in Canon 3 of the Fourth Council of Arles. It is difficult to judge how far the Roman requirements of Siricius and Leo as to after disabilities found actual observance in Gaul at this period. It may be assumed that public penitents during the actual course of their penance were interdicted from the use of marriage and from military service. The difficulties of married men and of soldiers to which Cæsarius refers in his sermons appear to imply this. Also participation in social festivities or in the pursuits of commerce are found forbidden to penitents by Canon 7 of the Council of Barcelona in A.D. 540, and were probably equally forbidden in Gaul. How far these restrictions could in practice be imposed after the penance had been accomplished is very uncertain.

Disabilities after penance.

It thus appears that in the days of Cæsarius there were to be found in southern Gaul at one and the same time (*a*) a moral tone in the now Christian population of the most appalling laxity; and (*b*) a formal system of public penance indicated by the tradition of the Church which was so gravely rigorous as to prove repellent in a high degree to most of those who needed Penance. The result was very much what might be expected. A few persons were found willing to accept the public penance. Of these some had been excommunicated by authority, and some sought their Penance voluntarily. Putting these few persons aside, the rest of the community simply ignored the call to Penance. This demurring majority, while not disputing the office of the Church

Moral laxity and public penance co-exist.

General use of death-bed penance.

in binding and loosing, deliberately put off their Penance till their death-beds. They could then by the rules of the Church make their confession of sin, be privately admitted to the status of the penitent, and be privately reconciled by the priest. They thus would escape publicity of penance, the pains of penitential exercise, and the privations of the after disabilities.

Cæsarius urges penance in the life-time, and good works for minor sins.

Cæsarius in his sermons urges the present acceptance of public penance as the proper course for those who have offended in grave and capital sins. It is only needed for these sins. Minor sins may be met by daily prayer and private penitence (Ser. 262); or again by works of charity. To visit the sick and the imprisoned; to reconcile the estranged; to fast at the appointed times; to wash the feet of guests; to keep vigils; to give alms to the passing poor; to pardon our enemies as often as they seek pardon: these acts and others like them are the means by which our minor offences can daily find redemption (Ser. 104).

For capital offences public penance,

When capital offences have found place public penance is called for.

> "But if any on questioning his conscience find that he has committed some capital offence, as if he have broken down and betrayed his faith by false witness, or violated the sacred name of truth by the temerity of perjury; if he have stained by the filth of polluted modesty the true tunic of baptism and the lovely silken robe of virginity; if by homicide he have slain the new man in himself; if by augurs, and soothsayers, and enchanters, he have delivered himself captive to the devil; such acts and the like cannot be entirely expiated by common and ordinary or by secret satisfaction, but grave cases call for remedies which are grave and drastic and at the same time public; so that he who has ruined himself to the destruction of many is in like manner to redeem himself to the edification of many." [1]

The list of capital sins for which Cæsarius thus delcares that public penance is required comprises (1) false witness, (2) perjury, (3) impurity, (4) homicide, (5) the various forms of sorcery, with any sins of similar calibre.

In Homily 18, in exhorting to present Penance, he says:—

with confession to the priest.

> "Betake thyself heartily (*omnino*) to the priest (*sacerdotem*) that thou mayest be reconciled. If thus thou do, thou art secure, for that thou hast accepted Penance at the same time that it was in thy power to sin."

Here may be understood the private confession to the priest, the admission to the status of the penitent, the public exercise of penance and the public reconciliation.

[1] S. 262.

Strictly, then, the public penance is what capital sins call for. But now another side of the teaching of Cæsarius has to be considered. With Cæsarius as with Julianus Pomerius it is a thing possible that a real and sufficient Penance may find place, even in the case of capital sins, without any of the public circumstance at all.

Yet even for capital sins another way.

In Sermon 256, a valuable pronouncement on the controversy as to death-bed Penance, which will be presently noticed, Cæsarius thus expresses himself:—

This is to live worthily in the whole course of life.

> "But we, dearest brethren, leaving aside those things which are uncertain or doubtful, let us consider attentively and with all our powers that Penance which is performed (*agitur*) by good Christians through the whole course of life, by means of which all, even the capital sins, are overthrown (*damnantur*), and the lesser sins are continuously redeemed: which (Penance), if so long as we live we perform (*agimus*) it with good works, promises us from the mercy of God a full security."

A worthy life may thus be in effect a Penance which meets the case even of the capital sins. Cæsarius argues that it is far better to adopt this kind of Penance than to leave everything to the Penance of the death-bed, which in view of the many vicissitudes of life may not, after all, prove to be attainable.

His teaching is the same when he is confronted with the difficulties which particular persons experience in accepting the public penance. In Sermon 249 he takes the case of a young married man.

Public penance not expected from young married men.

> "If, perchance, when we are urging all generally to penance, any think within himself and say: 'I am a young man, and have a wife: how can I either shave off my hair, or assume the garb of religion?' We do not say this, dearest brethren, nor do we preach this, that young men who have wives should change their dress so much as their ways. For what does it harm a young man with a wife, if he shall resolve to change abandoned manners into good and honourable acts; if he study by alms, and fasts, and prayers, to recover the wounds inflicted by his sins to their pristine soundness? For true conversion is sufficient without a change of garments. . . ."

It is clear from this passage that Cæsarius did not expect a young married man to undertake the difficult ordeals of the public penance, but was prepared to recognise as sufficient a life which amended the irregularities of the past, and at the same time practised almsgiving, fasting, and prayer.

Similarly in Sermon 258 he instances the case of a man in military service and married, and affirms that when he is exhorting to Penance he is not maintaining that the laying aside of the

or from those in military service.

hair and of the ordinary attire is a matter as important as the forsaking of sins. The royal state and attire of David did not hinder him from doing penance.

Public penitents might have taken a private course.

When commending public penance in Sermon 261, he says that those who have accepted it might have performed their Penance more privately, only that they sought the aid of all (*qui pœnitentiam publice accepit, poterat eam secretius agere*).

This bettered life is to be in its way a Penance.

It thus appears to be clear that Cæsarius no less than Pomerius was prepared to admit the sufficiency even in cases of serious offence of a Penance which was altogether private, and which never came under Church cognizance at all. Such private Penance has no mention of confession to the priest. There was confession to the priest at the death-bed administration, which was the public penance of the Church rendered more or less private by force of circumstances. But where the penitent was in health confession to a priest seems to have usually brought with it the full public system. The private penance recognised by Cæsarius was, so far as appears, from beginning to end, a self-inflicted discipline. There was no confession to a priest, no admission by a priest to the status of the penitent, no assignment by a priest of the specific penance to be performed, and no reconciliation by priest or bishop. Yet this private penance is not understood if it is regarded merely as a betterment of life. It produces definitely the fruits of Penance in the reconciliation to God of the estranged sinner.

It effects reconciliation.

Pomerius indicates a set term: Cæsarius the whole life.

There is already a difference discernible as to this private penance between the teaching of Cæsarius and that of Pomerius. The private penance approved by Pomerius involved (1) acceptance of the ordinary Church penalties for the set term, and (2) self-excommunication during that term. With Cæsarius this privately admitted penance has become "that penance, which is performed by good Christians throughout the life (*illa pœnitentia, quæ per omnem vitam a bonis Christianis agitur*)." The set term of penance has disappeared, and with it, probably, the set term of excommunication. But such "good Christians" would hardly refrain from communion throughout life.

The acceptance of private penance an important step.

This acceptance of a private in place of a public penance marks a step which is historically of high importance. There will now in Gaul be recognised as possible a private alongside of the public system. It amounts to little more, so far as can be judged by others, than the leading of a consistent life. But it is understood to be a real *pœnitentia*, a means of passing from the state of sin and condemnation into the state of grace and salvation.

This private penitence of the ordinary good Christian will shortly be found to develop two features which will recognise it as existing in and shared by many persons. These two features are (1) the association of Penance with the fast of Lent, and (2) the employ-

ment of congregational forms of penance. These developments will be noticed as they arise.[1]

In the writings of S. Cæsarius the feature which may next invite attention is his carefully weighed teaching on the subject of death-bed penitence. Cæsarius on death-bed penitence.

It has been seen (1) that in the Christian community of southern Gaul there was prevalent a grave relaxation of morals, and (2) that the majority of persons deferred the acceptance of any formal penitence to their death-beds. There had been considerable controversy as to the value of such death-bed penitence. In the early part of the fifth century Church authority in southern Gaul had tended to an almost Novatianist rigorism in this matter, a rigorism which had elicited condemnation from pope Cœlestine I.: and Faustus of Reii at a later date had been found to echo this severer tone. In the days of Cæsarius there was still a considerable questioning as to whether persons dying immediately after the accordance of the status of a penitent could attain to full forgiveness: and in the heated disputes which arose upon the subject some mutual resentment (*animositas*) was engendered.

It is in Sermon 256 that Cæsarius gives his pronouncement on the matter at issue. He says that he will indicate how he understands it "in accordance with the rules of the holy fathers."

There may be distinguished three different kinds of death-bed penitence.

> "The first and best kind is when a Christian does not admit capital offences: or if he haply have admitted such, he does penance for them in such wise that he washes them out by good works, so that he does not afterwards revert to similar offences; when of all his income he returns the tenth, and out of the nine parts which remain whatsoever shall be in excess of his needs he employs to redeem the minor sins which creep in daily, and maintains that charity, which loves Three kinds of death-bed penitence.

[1] Some modern writers, as M. Tixeront (*Histoire des Dogmes*, III. 395 *sqq.*), would see in this private Penance recognised in southern Gaul in the fifth century something more like the present system of penitential practice. It may be allowed that, apart from the requirements of the public Penance, burdened consciences would on occasion seek to relieve themselves by confession to a brother, and this by almost obvious choice to a priest, a father in God. No doubt also the priest if in any such case he saw no necessity for the public discipline, would suggest some other exercises which would presumably be private. Such penitent persons, not being excluded from communion by the acceptance of the state of Penance, would not be excluded from communion otherwise than by their own will, which might indeed be guided by the counsel received. There is no evidence of absolution accorded privately by a priest, or even by a bishop, in time of health. M. Tixeront assumes that these private penitents would be present at the formal absolution by the bishop on Maunday Thursday, and would in it find their absolution (*le penitent privé recevait son absolution mêlé aux penitents publics*, III. 395). The present writer is unable to go farther here than to observe that the public system of Penance as the general remedy for the sins of Christians had broken down and proved a failure as a consequence of too harsh administration: and that attempts of various kinds were now being made to do without it.

not only friends, but our enemies themselves. He who shall have willed to fulfil all this faithfully, even though he do not accept Penance; yet because he has in fact always performed (*egit*) a penance fruitfully and faithfully will pass hence well, and if, at the time when he is about to die he shall accept Penance, and shall provide a share in his substance for himself and Christ together with his sons; we believe that he will not only obtain pardon for his sins, but will also receive everlasting rewards."

This first class of persons indicated by Cæsarius includes some even who are free from all commission of capital sins, but who for greater security ask for Penance before they die. But it may be understood that the class is chiefly composed of those who have been practising the sort of private penitence already considered. Cæsarius here makes important statements with regard to such persons. If they never accept the status of penitents even on their death-beds, yet they will pass hence well, because they have always performed a penance. It will be noticed that Cæsarius uses for the performance of this informal penance the technical word *egit* (*agere pœnitentiam*). For such persons he pronounces that no further penance or absolution is necessary. But in accordance with the prevalent practice of the day they may wish on their death-beds to supplicate for Penance. If they do, they will not only be pardoned but rewarded.

He passes next to the cases of those whose dying penitence has been preceded by no such happy preparation.

"The second mode of the aforesaid penitence is when any, for so long as he live, commits not only small, but perhaps even capital sins, and yet does them in some ignorance and as in the hope of penitence, and never so abandons himself to his sins as to hold himself back for that last sudden repentance: and who, at his passing seeks this very Penance with great humility and contrition of heart, with lamentations and groans; and who purposes in his heart with all definiteness that, if he recover, he will, so long as he shall live, perform fruitful penance with all his heart and all his strength; and who restores in full whatsoever he knows himself to have obtained amiss, according to the injunction of the prophet 'to give again that he had robbed' (Ezek. xxxiii. 15); and who forgives all his enemies with his whole heart and of his substance provides one portion for Christ and himself together with his sons, and who in his very sickness gives directions as far as he can for the paying out of large alms: if he is willing to fulfil all this with a humble and a contrite heart we both can and ought to believe that the Lord will deign to forgive him all his sins."

The exact significance of the distinction of this second class will be best appreciated by comparison with the third class.

"The third mode of penitence is observed in some when any who lives all his days amiss reserves himself for penitence at the close of life, and sins in the hope that by that momentary act of penitence he may esteem that all his sins heaped together are forgiven; and yet after he has accepted such Penance, neither restores even without increase what he has seized amiss, nor forgives his enemies with his whole heart; nor determines in his heart that, if he shall recover, he will do penance with great compunction and humility so long as he shall live; nor for the redemption of his sins makes a portion from his substance for himself and Christ together with his sons. If, when he has so accepted Penance he depart from this life without those remedies which we have enumerated; although we may say that we are doubtful what will become of him yet the Lord in the gospel has most definitely stated: 'If ye forgive not men their trespasses, neither will your Father forgive your trespasses.' . . . He who is such an one, if he seek Penance of me, and he be of such age that Penance can or ought to be given to him; I can give him Penance, but I cannot give him entire security. Yet God Who knows the consciences of all, and will judge every one according to his merit, Himself knows with what sincerity, and with what purpose of heart he has sought Penance. I truly am afraid that what such a penitent has not evinced by works, he has not in his conscience; because, although we cannot see the heart, yet in accordance with the gospel pronouncement, *By their fruits ye shall know them*, we do not see him fulfilling thoroughly what I have described. This being so, who will not be in a position to forbid us to believe that such an one has departed well from this life, since we know that he has not done good works?"

The distinction made here by Cæsarius between the sinners of the second class, who have ever sinned with compunction, and with the hope and intention of amendment; and the sinners of the third class who have deliberately put off penitence to the last moment of life that they might sin the more; is a distinction familiar to the clergy of all ages. It supplies Cæsarius with a key to the prevailing controversy. Death-bed penitence may be good even in the case of those who are overtaken by the approach of death while still in sinful ways, if a great compunction is felt in the heart and evinced by the actions. But for the rest, though the priest or bishop may feel that he should give Penance, he can entertain no certainty of the Divine forgiveness, and must rather anticipate that it will be withheld. Cæsarius thus holds the balance between the rigorists and the laxists.

As regards the general practice of the Christian community it appears to be discernible in all this that, whereas in the earlier ages of the Church the administration of Penance was regarded as something exceptional and out of the way of the ordinary worthy

Prevalent conviction that all should seek Penance at death.

Christian, there is now prevalent a conviction that all or nearly all do well to seek the Penance of the Church at the approach of death. It is a community of careless livers, and too many have certainly offended by capital sins, which they have as yet confronted with no fitting penance. Also even those who have committed no grave sin, and those, who though they have gravely sinned, have for long years lived lives which have found acceptance with GOD; even such will at the last desire before they pass the portal of life to have the reconciliation which may be given by the offices of the Church.

Cæsarius desired that none should die without the medicament of Penance.

It is not, therefore, very surprising to read in the second part of the life of S. Cæsarius in the narrative of a particular case that "the man of GOD desired that none should retire from the world without the medicament of Penance (*sine medicamento pœnitentiæ*)."[1] This second part of the life of S. Cæsarius, which is mainly an account of his miracles, purports to have been written by the saint's contemporaries, Messianus the priest and Stephen the deacon. Both these ecclesiastics had served as notary or secretary to the saint. Stephen appears to be responsible for the greater part of the narrative. It may well have received later emendations; and the extract just quoted may be among them. Yet there is nothing impossible in it: and the phrase "medicament of Penance" which became familiar in later writers, as in Jonas of Elno, is no less a phrase employed by Cæsarius himself.[2]

Penitence at death comprised (1) confession, (2) status of penitent, (3) reconciliation.

It is at any rate obvious that whereas very few persons sought public Penance in life, a very large proportion sought Penance from the Church at death. This Penance involved (1) confession to the priest, (2) admission to the status of the penitent, and (3) reconciliation by the priest, at least by the administration of the Holy Eucharist as Viaticum. The death-bed ministrations were thus not greatly different from those which have prevailed in the Catholic Church through all the succeeding ages. And, doubtless, this general use of a death-bed penitence in which confession to a priest and the priestly reconciliation both found place made it far easier a little later on to introduce the modern system of private penance and absolution during the years of life.

Cæsarius admits penance *twice*.

All this time in the Western churches there had been no facility for the easy repetition of Penance. Evidence has been adduced from which it is clear that in the churches of Rome and of Milan, as also in the African churches, only one Penance had been admitted. In Spain this restriction will be re-affirmed by the Council of Toledo as late as A.D. 589. In Gaul a general sympathy with the prevailing tone of Western Christendom may be assumed. But Cæsarius is here found taking up a remarkable position. He says that

[1] *S. Cæsarii episcopi Arelatensis vita, Lib.* ii.
[2] S. 258, *sine aliqua dissimulatione ad pœnitentiæ medicamenta confugerit.*

Penance may be accorded *twice:* but that in further lapses the anger of God is to be feared.

> "If any shall have sinned once or twice (*semel vel secundo*), and without any dissembling shall have betaken himself to the remedies of Penance; he will without any delay obtain his pristine security. But if he shall begin to add sins to sins, and shall prefer to render corrupt the wounds of the soul by hiding or defending them, rather than to cure them by confession and the performance of penance, it is to be feared that that will be fulfilled in him which the Apostle has pronounced: 'Knowest thou not that the goodness of God leadeth thee to repentance? but after thy hardness and impenitent heart treasurest up unto thyself wrath against the day of wrath, and revelation of the righteous judgment of God?'" [1]

In specifying two admissible opportunities of Penance Cæsarius will be followed shortly by the African bishop Victor Tununensis, and by S. Eligius of Noyon in the next century. Even this moderate extension of opportunity does not find universal acceptance, as the Council of Toledo will show. There can be little doubt that the strict tone of the Church on this point supplied an additional ground of much force for the prevalent habit of deferring Penance till death was in sight.

Homily xiii. Twelve means of remission.

In the sixty-seventh volume of Migne's *Latin Patrology* is given a collection of homilies assigned to S. Cæsarius. If the thirteenth of these homilies may be rightly so assigned, it is remarkable as giving a list of twelve means of remission of sins. Such a list suggests the influence of S. Chrysostom; but in detail the list has more correspondence with that given by Origen in his *Homilies on Leviticus* than with any of the lists in S. Chrysostom's writings. The twelve means enumerated are (1) baptism, (2) charity, (3) almsgiving, (4) tears, (5) confession, (6) affliction of heart and body, (7) amendment of life, (8) the intercession of the holy (quoting S. James v., *If any be sick let him send for the presbyters of the Church, and let them pray for him*), (9) mercy, (10) the salvation of others, (11) the forgiveness of others, (12) martyrdom. It is clear that the teaching that remission is attainable by such varied means has a direct bearing on the recognition by S. Cæsarius of a penance performed in the life without confession, public exercises, or public reconciliation. S. Cæsarius would certainly be familiar with the Greek language. One of the early activities of his episcopate was the issue of a popular form of service with selections for congregational singing, in Latin for the Latins, and

[1] S. 258.

in Greek for the Greeks.[1] At Arles, as at Marseilles, there appears to have been still a considerable Greek element.

Church authorities discourage Penance in young men.

Before leaving S. Cæsarius it should be noticed that not only was there at this period a great unwillingness on the part of offenders to undertake the burdens of a public Penance; but that the Church authorities themselves were disposed to discourage such Penance in the case of young men. In the fifteenth canon of the Council of Agde, after the provision that persons who would not accept the outward garb and symbols of Penance were not to be admitted to it, there follows the further injunction :—

> "To young men also Penance is not readily to be accorded on account of the frailty of their age. Yet to any who are in peril of death the Viaticum is not to be denied."

The word used is *juvenibus*, a word applicable to persons past the stage of adolescence, say over twenty years of age. Though not necessarily confined to men, the word is here perhaps best understood of men.[2] The provision appears to mean that since Penance was only available once or twice in the lifetime, a young man had better not undertake it, because of his liability to lapse into further offences. It may be thought that a system which had come to need such reserves stood self-condemned. Perhaps it was precisely because of the difficulties here indicated that the system of Columbanus burst upon the Frankish lands as the very mercy of GOD. That S. Cæsarius himself did not in the least expect a young married man to undertake the obligations of public penance has already been seen.[3]

S. Gelasius.

S. Gelasius occupied the Roman see from A.D. 492 to A.D. 496. In his letter to the bishops of Lucania[4] he deals with the case of persons who had formed unholy unions with consecrated virgins.

Unions with consecrated virgins.

Public penance.

> "It is right that these should in the first place be expelled from the Holy Communion, and that they should not be restored to it on any account except through public and approved penance. Only, if they are passing from this life the Viaticum is not to be denied to them, if at least they have accepted Penance."

Thus at Rome for these grave offenders the "public and approved (or accustomed) penance" is a necessary condition of reconciliation except in the case of the dying.

[1] *Vita* (*Auctoribus Cypriano*, etc.), I. ii. 15 (Migne, *P. L.*, LXVII. 1008) . . . ut laicorum popularitas psalmos et hymnos pararet, altaque et modulata voce instar clericorum, alii Græce, alii Latine prosas antiphonasque cantarent. . . .

[2] The Second Council of Arles (A.D. 443 or 452) had ruled that penance was not to be accorded to married persons (of either sex) except with the consent of the partner.

[3] Of the sermons which have been quoted, Nos. 104, 256, 258, 261, 262, 288 are among the forty-four the authenticity of which is declared by Malnory to be "rigorously certified" (*S. Césaire d'Arles*, xii.).

[4] *Ep.* 9, *cap.* 20.

Some conciliar enactments of Gaul and Spain may next be eferred to.

At Epaon, a town in Burgundy which cannot now be identified,[1] a council of thirty-four bishops assembled under Avitus of Vienne n A.D. 517, and passed forty canons on discipline. Canon 29 leals with those who have lapsed into heresy. It is all but dentical with Canon 60 of Agde. Premising that the ancient isage of the Church made restoration in such cases gravely difficult, he canon announces that the duration of penance is now shortened o a period of two years, on condition that during this period every hird day is to be a day of fasting without relaxation, that the ersons are careful to frequent the church, and that they observe he humility of standing and praying in the place of the penitents; lso that they leave when the catechumens are warned to go.

Council of Epaon.

Indications of penance.

Thus the penance assigned is still the public penance of place nd act in the public service of the Church, with its public curtail- nent of Christian privilege to the *missa catechumenorum*.

The 31st Canon rules that in the case of homicides who have scaped civil punishment (*sæculi leges*) the canons of Ancyra are o be observed. The knowledge and maintenance of these Asian anons by a Burgundian synod of A.D. 517 is noteworthy.

In the same year, A.D. 517, a council met at Gerunda (Gerona) in Spain in which seven bishops of the province of Tarragona took art. The 9th Canon is as follows :—

Council of Gerona.

> " But he who, when borne down by the languor of sickness, has received the benediction of Penance, which we account a Viaticum, by communion, and has subsequently not submitted his head to penance publicly in the church, may be admitted to the clergy, if he be not held subject by forbidden vices."

Persons whose penance was not public may be ordained.

The distinction here made between public and private penance s regards the after disabilities is remarkable. It is the publicity, ot the sin, which bars admission to the clerical state. A similar rovision is found in Canon 54 of the Fourth Council of Toledo A.D. 633). Noteworthy, too, is the phrase *benedictio pœnitentiæ*, he benediction of the dying man's Penance, which is explained as eing conveyed to him by his admission to communion (*per communionem*), and as being the Viaticum. It appears to indicate hat a formal absolution other than admission to communion ight be omitted.

The *Viaticum* is *benedictio pœnitentiæ*.

About A.D. 540 a council of seven bishops at Barcelona promulged ten canons upon discipline. Canon 6 rules that penitents who are men are with shaven head and wearing a religious habit

Council of Barcelona.

[1] Hefele, following Gelpke, regards it as probable that Epaon was near . Moritz, and that it was buried in a landslip (§ 231). Some have suggested enne on the Rhone.

Penitential observances.

to occupy their time in fasts and supplications. The observances of shaving the head and wearing a special penitential garb were thus features of the public penance practised in the province of Barcelona in A.D. 540. Canon 7 ordains that penitents are not to take part in banquets, or to occupy themselves in trade, but only to lead a frugal life in their own homes. These disabilities were thus to be enforced at least as regards penitents during their time of penance. Canon 8 is as follows :—

> "Of those who ask for Penance in their sicknesses, and receive it from the priest, if they subsequently recover, they are to lead the life of penitents, the imposition of the hand being omitted. They are to be withheld from communion till the priest (*sacerdos*) has approved their course of life as worthy."

If sick penitents recover they are to accept penance.

It may be assumed that those who had been admitted to Penance in grave sickness had also been admitted to communion with the benediction of reconciliation which it necessarily carried. They had not, however, performed any acts of penance, and on their recovery these are to be required of them in the recognised public observance. But that observance is in their case not to include the imposition of hands. Whether this is taken to refer to an imposition of hands which found place ceremonially during the time of public penance, or to a final imposition of hands at the time of absolution, it is to be omitted; the reason no doubt being that the person was already reconciled. But reconciled though he was, he was not trusted : and he was not in health to be admitted to communion till he had satisfied the priest that his life was not unworthy of a communicant. The death-bed penitent was thus if he in fact recovered, treated as a suspect. Notwithstanding the 9th Canon goes on to enjoin strictly the communion of penitents in sickness.

> "We commend for those placed in sickness that they receive the beatific benediction."

By this beatific benediction must be understood, as is explained in the 9th Canon of Gerunda, the Viaticum of the last communion.

Council of Orleans.

At the considerable Council of Orleans in A.D. 549 it was ruled (Canon 2)

Excommunication for trifling cau[illegible] prohibited.

> "That no priest (*nullus sacerdotum*) suspend any man of right faith from communion for trifling and light causes outside those offences for which the ancient fathers gave order that those who committed them should be expelled from the Church."

Thus in Gaul in A.D. 549 excommunication was practised by the *sacerdotes*, bishops or priests, and, as it would seem, not only for serious offences, but sometimes for trifling and light causes.

The great name of S. Benedict of Nursia comes now before s in connexion with the recommendation of the practice of abitual confession in his monastic rule. S. Benedict of Nursia.

> "The fifth grade of humility is when by humble confession he shall not have concealed from his abbat any of the evil thoughts which come to his heart, or the evil deeds secretly committed by him." [1]

S. Benedict was born in A.D. 480, and died at some time between .D. 539 and A.D. 543. The passage cited is an early instance of he encouragement of the practice of confession as a habit of the nonastic life; a practice which, when extended in the Christian ommunity generally at a later date, revolutionised the methods f Penance. Confession as a monastic habit.

A treatise *On Penitence* (*Liber de Penitentia*), which has often een included in the works of S. Ambrose, is clearly not his because, for no other reason, in the last line of the treatise itself the uthor gives his name as Victor. Some have supposed that he vas Victor of Cartenna: but most modern scholars, following irmond, assign the treatise to Victor Tununensis, an African ishop and chronicler, who died about A.D. 567. Some extracts rom the *Liber de Penitentia* have been given above. Of these the irst emphasises the necessity of confession to a spiritual physician. *Liber de Penitentia.* Victor Tununensis. Necessity of confession to a spiritual physician.

> "He desires, therefore, that thou shouldest know better what passes in thyself, that when thou layest bare thy disorder to the physician, he may prescribe for thee the necessary antidote; for then wilt thou be able to attain the full benefit of his treatment (*medicinæ*), if thou conceal not from the physician the wounds of thy conscience. Otherwise how art thou to be cured, if thou do not lay bare what things are hidden within thee? For I am of opinion that unless the physician is called in the sick man is not cured. He waits therefore long for thy trouble to be shown to him, so that when thou art cured thou mayest appreciate the healing of his treatment: for what is due to the physician thou mayest fairly estimate, if thou hast first known in thyself thy disorder. And that I may not keep thee with many words, thy penitent confession is thy medicine, which cures thee and which gives thee life; and which suffers not thy wound to retain its corruption, but when thou hast groaned awhile, replaces this by a knotty scar." [2]

This passage is noteworthy as dealing at some length with the ctual confession of sin by which Penance was approached, whereas nost of the early references are more concerned with the discipline f penance than with the confession which preceded it. It appears t any rate to be clear from this passage that in Africa in the sixth

[1] *Regula*, c. 7. [2] C. 3.

century confession to a spiritual physician was practised by penitent persons.

Penance may be accorded twice.

Victor follows S. Cæsarius of Arles in the opinion that Penance may be accorded twice.

> "But thou sayest to me: I have added sins to sins, and I who, when I had once fallen, had been raised up again, have fallen a second time, and the wound of my conscience, as yet barely healed, has festered anew. Why dost thou tremble? Why dost thou fear? He is ever the same who cured thee before: thou wilt not change thy physician. He will not labour to explore the cause of thy indisposition, nor will he experiment anew with thee, to find out the virtue of a medicament, but will cure thee with the known antidote. He awaits not the trial of assistance; for he knows the origin of thy infirmity. From the same source that thou wert cured before, thence thou wilt be cured again. Thou wilt not be suspicious of the remedy employed for thy healing: and the physician will be assured of thy recovery. Clearly he will punish thy want of temperance, and will scourge thy failure in patience by stern reproof: but he who does not despise the sick man will not refuse his help."[1]

Victor Tununensis was thus prepared to welcome the sinner to Penance a second time. He was probably familiar with the teaching of S. Cæsarius of Arles. It cannot certainly be stated whether he would or would not have been willing to accord Penance more than twice.

Repentance finds pardon, for it is from God.

In one place he uses an argument which is familiar to the missionary preacher of modern times.

> "Certainly he who is permitted to repent receives the gift of pardon: for without doubt he is not permitted to make confession, to whom his piety can be of no avail."[2]

In another passage Victor speaks of the nakedness of a soul uncovered "by the veils of penance and the garments of confession."[3]

The *Third Council of Toledo* reconciled the Arian Goths.

In A.D. 589 was held the important Third Council of Toledo. It is a landmark in the Church history of Spain, because it effected the reconciliation to the Catholic fold of the Arian element in the Gothic population. Reccared I., shortly after his accession to the Spanish throne, became himself a convert from Arianism to Catholicism: and this Third Council of Toledo was summoned at his command. The council first concerned itself with a *tome* on the Arian heresy, and in twenty-three anathemas condemned the chief Arian errors. There followed twenty-three canons chiefly disciplinary, of which the eleventh and twelfth refer to penitents.

[1] C. 12. [2] C. 32. [3] C. 29.

"Can. 11.—Whereas we understand that in certain churches of the Spains men do penance for their sins not according to canon, but in most offensive wise (*fœdissime*), in such sort that so often as it pleases them to sin, so often they demand of the priest to be reconciled: and accordingly for the suppression of so execrable a presumption, it is commanded by the holy council that penances be given in accordance with the plan of the ancient canons, that is, that first (the priest) shall require him who repents of his deed, having been suspended from communion, to make among the other penitents frequent recurrence to the imposition of hands; and that when the period of satisfaction is fulfilled to the approval of the priest's judgment, he restore him to communion. But as regards those who relapse into their former sins whether within the time of penance or after reconciliation, let them be condemned according to the severity of the earlier canons. Public penance enjoined. Penance only admitted once.

"Can. 12.—Whosoever, whether in health or sickness, demands Penance from a bishop or a priest, let the bishop or priest observe this before all, that if the person be a man whether whole or sick, he do first shave him, and so accord him Penance; but if a woman she is not to receive Penance unless she have first changed her attire: for oftentimes by the careless according of Penance to the lay-people they fall back again into their deplorable offences after the reception of Penance."

These two canons are important, first for the pronouncement against the iteration of Penance, and next for the specified features of public penance in Spain towards the close of the sixth century.

First as regards the prohibition of repeated Penance. To the student who remembers the general relaxation of this discipline in the East by the fifth century, or who surveys the modern Western discipline with which he may be familiar, the first impression will probably be one of surprise that this ancient restriction, which appears to have been due in the first place to the *Shepherd* of Hermas, should thus find vigorous expression as late as A.D. 589. Yet, if he review the evidence of Western practice, which has so far been under notice in this investigation, he will not find anywhere a claim for the liberty of indefinite repetition of Penance, and he will hardly find outside S. Cæsarius of Arles and Victor Tununensis any writers who expressly claim even a second opportunity. In this closing quarter of the sixth century, however, it appears from the 11th Canon of Toledo now cited, that in "certain churches of the Spains" something like indefinite iteration was expected and admitted. This laxity the canon condemns as a foul abuse. It may be conjectured that the Arians now in process of being reconciled were disposed to be conservative in the face of the more modern developments among the Catholics, and that they were prepared to join gladly in condemning the iteration of Penance.

Outward features of penance.

Next may be noted the various features of the public penance which the two canons specify. By Canon 12 it appears that it was usual for persons to ask for Penance from a bishop or priest, some confession of the sin being implied, as the duration of the penance was by Canon 11 to be approved by the priest's judgment before the restoration of the person to communion. By Canon 11 the person is to be suspended from communion. The bishop or priest will grant Penance, that is to say, will admit the person into the ranks of the penitents. When this is done he will be no longer an outsider, but will be recognised as a Christian under correction. But before admitting him to Penance the priest is to require strictly the outward seeming of a penitent's condition. If a man, the head must be shaved: if a woman, she must wear a penitential garb. This is important, in the judgment of the council, as a test of reality of purpose. It is to be required even of the sick. Those now admitted to public penance are in their place among the other penitents to have frequent recurrence to the imposition of hands, which may have been accorded at such time in the *missa catechumenorum* as the collects appointed to be said over penitents were recited.

It is of moment to note that all this is in force in the Spanish churches as late as A.D. 589. In a very few years important variations will find place.

S. Gregory the Great.

S. Gregory the Great was pope from A.D. 590 to A.D. 604. None of the popes has better deserved the epithet of *Great*. His relations with the various churches of the Western patriarchate; his part in the initiation of the mission to England; and not least his protective and constructive work for the church and people of the city of Rome; all well deserve the appellation. It would perhaps not in any case apply to his connexion with the subject of these investigations. But it is remarkable that Gregory is conspicuous for the enunciation of a theory of the purport of the absolution and of the retaining power of the priest which was unknown to the Church of the ages before him, and has failed to commend itself in any great measure to the Church of the ages succeeding him. His theory can be stated simply in his own words: *Ecce illum discipuli jam viventem solvunt quem magister resuscitaverat mortem.* Just as the disciples in the unbinding of Lazarus loose one whom the Lord has already made to live; similarly the disciples of the Lord in absolving a penitent sinner are absolving one who already lives, because the Master has already raised the dead to life.

His theory of priestly absolution.

The priest looses those whom the Lord has already forgiven.

> "For if the disciples had loosed Lazarus while he was dead, they would have displayed corruption rather than power. From which consideration may be seen that we ought by our pastoral authority to absolve those of whom we know that our Source of authority (*Auctorem*) is making

them to live by His reviving grace. And most certainly this life-giving is recognised already in the confession of sin itself before the operation of the official sentence (*ante operationem rectitudinis*)." [1]

Thus the absolution of the Lord precedes in point of time the absolution of the priest, who has accordingly no part as the Lord's agent in effecting the forgiveness of the sinner, but simply declares what is an accomplished fact. It is clear, of course, that the external binding by the Church is not removed till the priest reconciles: but the priest's reconciliation does not synchronise with but follows after the effective absolution of the Lord.

That there can be no effective absolution internally where penitence is absent or inadequate is, it need hardly be said, the teaching of all the Christian ages. In such case the corruption is not replaced by life. Again, there is nothing distinctive in S. Gregory's statement that the unworthy or ill-judged exercise of the bishop's office may result in his loosing those who are bound, or in his binding those whom the Lord would loose. What is distinctive in S. Gregory's teaching is that the absolution is affirmed to be merely declaratory of what has already been effected by the Lord. Yet in a passage now to be considered he speaks in highly appreciative terms of the dignity of the commission.

Yet he upholds the dignity of the commission,

S. Gregory is preaching a homily to the people "in the basilica of blessed John, which is called the Constantinian," within the octave of Easter. He is dealing with the latter part of the twentieth chapter of S. John's Gospel. On the words *Whose soever sins ye remit, they are remitted unto them, and whose soever sins ye retain, they are retained*, he first comments in marvel at the dignity of the commission conferred thus upon the disciples.

> "Behold, not only are they rendered secure as regards themselves, but they even receive a power of binding and loosing others; they become invested with the authority (*principatum*) of the supernal justice, so that in the stead of God they for some retain their sins, for others they remit them." [1]

which is now vested in the bishops.

The commission thus given to the Apostles is now vested in the bishops.

> "Now in the Church the bishops assuredly hold the place of these (the Apostles). They who are invested with the grade of government undertake the authority of binding and loosing. The honour is great, but the responsibility of this honour is weighty." [1]

He goes on to say that it often happens that the bishop in binding or loosing follows his own impulses rather than the merits of the case. He ought to consider what has been the preceding

[1] *Hom.* 26.

fault, and what the penitence following, that the persons whom the omnipotent God visits by the grace of compunction, these the sentence of the pastor may absolve.

> "For then is the absolution of the president (*præsidentis*) real, when it follows the sentence of the Eternal Judge." [1]

Here follows the analogy drawn from the loosing of Lazarus, which has already been quoted.

S. Gregory's teaching on absolution compared with that of S. Leo.

The teaching of S. Leo the Great on this important point of the theology of absolution may be recalled.

> "For the Mediator of God and man, the Man Christ Jesus delivered this power to the rulers (*præpositis*) of the Church, both that they should give the procedure of Penance to those making confession, and also should admit these persons by the gate of reconciliation to the communion of the sacraments when they had been purged by healthy satisfaction. In this work assuredly the Saviour Himself intervenes without cessation, nor is He ever absent from these (functions) which He has committed to His ministers to fulfil, saying, *Behold I am with you always even to the end of the world:* so that if by our service ought is filled out with sound order and welcome result, we doubt not but that this was given by the Holy Spirit." [2]

Thus, according to S. Leo, our Lord Jesus Christ perpetually intervenes, acting with and through His ministers whose operations are His, so that He is never absent from these operations, the conduct of which He has committed to His ministers.[3]

The difference of standpoint may be readily realised if it be applied to the sacrament of Baptism. In the sacrament of Baptism according to the usual teaching of the Catholic Church the grace of regeneration, which comprises remission of sins and incorporation into the Body of Christ, is given in connexion with the outward signs of water and the words, provided always that the required dispositions of faith and penitence are not withheld. There are also those, chiefly outside the Church, who maintain that the grace of regeneration is a spiritual gift of the Lord apart from Baptism, and that the Baptism is merely an outward sign of what has happened, and not an effectual sign of what is happening.

It is the same difference of view which is found between S. Leo the Great and S. Gregory the Great as regards the absolution of Penance. S. Leo finds in it an effectual operation in which the Lord intervenes: S. Gregory regards it as a declaration of the absolution which the Lord has already effected.

[1] In some copies *interni judicis*.
[2] S. Leo Magnus, *Epist.* 108.
[3] Similarly S. Cyril of Alexandria, *In Joannis Evangelium*, cap. xx. 22, 23.

The student of Penance will decide that the first five centuries of Christianity are with S. Leo rather than with S. Gregory. The Church rather with S. Leo.

While, however, it is noted that the consensus of the early centuries would rather point to an operative efficacy in Penance as in Baptism, it is necessary to note also that, unless it be held that the Lord confines His forgiveness of grave sins after Baptism to the procedure of Penance, it must be understood that cases will frequently occur in which the pronouncement of absolution by the priest will be, as S. Gregory indicates, simply a declaratory sentence following after the Divine absolution. In the English Church during the past half-century the clergy have had much experience of general confessions covering the whole of the past life made by persons who for years had been living devout lives, and had had good reason for believing that they had found peace with God. In such cases, at least, the priest will usually understand that his sentence is declaratory in the sense indicated by S. Gregory: but will yet expect that the recourse of the penitent to the tribunal of Penance will be fruitful in grace. Cases in which S. Gregory's view will apply.

S. Gregory has some references to confession which are best understood of confessions as they were made at Rome in his day to the priests of the *titles*. It will be remembered that in the time of S. Leo confession was made privately to the priest, who admitted the person to the state of the penitents, in which he accomplished the penance imposed upon him, and was finally reconciled in a public function by the bishop. The procedure would doubtless be much the same in the days of S. Gregory. The practice of confession at Rome.

Commenting on the First Book of the Kings he says, with regard to Saul's admission of offence, that confession is of no service without the affliction of penance. Three things are to be looked for in every true penitent: the conversion of the mind, the confession of the mouth, the retaliation (*vindicta*) for the sin. Confession alone is insufficient. Without the inward conversion there is no remission of the sin. Similarly, remission is not to be had without the "affliction of penance." The words of confession without the fruits of penance are but leaves. Three things required of a penitent: (1) conversion, (2) confession, (3) retaliation. Fruits of penance necessary.

So far in the history of Penance in the Christian Church confession is but an introduction to or condition of the ordinance. It did not in ancient days stand for penalty or penance in the restricted sense. So S. Pacian teaches that confession without penance is inadequate. Faustus of Reii refused to admit that death-bed confession was sufficient precisely because the fruits of penance were not forthcoming.

In another passage of the same Commentary S. Gregory alludes to the inadequacy of some confessions. Some confessions inadequate.

> "But some while they confess their sins, minimise them by expressions, by which they indicate that they did not commit them with fulness of intention."

Lent has thirty-six fasting days.

In the first book of the *Homilies on the Gospels* S. Gregory has an interesting reference to the duration of Lent in his time. Lent will shortly be brought into close association with penitential observances, and S. Gregory's reference will be found to have a bearing on the present inquiry. He says that if the Sundays are deducted as not being fasting days, there are thirty-six days which are fasting days, and that this number of days tithes the year, and is an opportunity for rendering to God in special service a tithe of our time. From this statement it appears that the four week-days commencing with Ash Wednesday were in S. Gregory's time no part of Lent.[1]

S. Isidore of Seville.

In the ecclesiastical history of Spain there is no name more honoured than that of S. Isidore, who was bishop of Seville from A.D. 600 to A.D. 636. He was versed in all the learning of his age, and was a voluminous writer. On the subject of the present inquiry only a few passages call for notice.

Outward features of the public penance.

In the second book of the *De ecclesiasticis officiis* S. Isidore has a chapter on penitents (*c.* 17), in which he states that "they who do penance thenceforth let their hair and beard grow," and that "they prostrate themselves in haircloth," and that "they are sprinkled with ashes." In former notices of public penance in the churches of Gaul and Spain the male penitents are represented as being required to shave their heads. Thus the Council of Agde (A.D. 506) enjoins that penitents who will not "lay down" their hair, or change their garb, are to be rejected. Similarly the Council of Barcelona (A.D. 540) requires of male penitents that they shave their heads and wear a religious habit. The Third Council of Toledo (A.D. 589) rules that before a man is admitted to Penance his head must be shaved, whether he be whole or sick. At Seville in the days of S. Isidore the penitent has to let his hair and beard grow. Thus the practice as regards the hair is reversed, but it is still distinctive, marking the penitent from other persons. The penance is still a public penance, and the public stigma finds obvious public expression.

The cloth of goats' hair continues to be employed. The practice of sprinkling with cinders, which has not come under notice in these studies since the days of Tertullian and Origen, is also part of the outward observance of the penitent as described by S. Isidore. It is the practice which was to give a name to *Ash* Wednesday. In the same chapter Isidore has the following remarkable passage :—

> "The Catholic Church confidently imposes the exercise of the remedy of Penance in the hope of pardon. And after the one sacrament of Baptism, which accorded in a single bestowal she stringently forbids to be repeated, she supplies in place of it assistance by the medicinal remedy of penitence.

[1] *Homiliæ in Evangelia, Lib.* I. *Hom.* 16.

"Of this remedy all should acknowledge that they stand in need for the daily trespasses of human frailty, without which it is impossible to pass this life. Only in this case let it be rendered, as by priests and deacons, without loss of their dignity, God alone being witness. By others, however, let it be with the priest standing solemnly in front of them in the presence of God (*antestante coram Deo solemniter sacerdote*), so that a faithful confession may cover the stain which a headstrong appetite or the neglect of ignorance is noted as having incurred. That, as in Baptism all sins are remitted, or as we believe that to none of those who pass through martyrdom are sins imputed, so we confess that by the fruitful compunction of Penance all sins are done away. For the tears of penitents are accounted with God as in the place of Baptism. Whence, however great are faults, however grave, yet even for these the mercy of God is not to be despaired of." [1]

The presence of the priest.

In this passage three statements call for notice. First is the distinction drawn between those who confess venial sins to God only, and those who, having more serious offences to repent of, make their confession "with the priest standing solemnly in front of them in the presence of God." S. Isidore is the bishop of a church which practises public penance, and which only admits one such public penance after Baptism, but, presumably in connexion with this public penance repentant persons make their confessions, not publicly before the people, but "with the priest standing solemnly in front of them in the presence of God." It is a private confession to the priest, and may be understood to be made before admission to the state of the penitents.

Priests and deacons confess their sins to God only.

Next to be noted is the statement that the confessions of persons who have only to charge themselves with the "daily trespasses of human frailty" may be rendered "as by priests and deacons, without loss of their dignity, God alone being witness." From this it would appear that priests and deacons did not confess their sins to a priest, but to God only. And there can be little doubt that this statement represents the usual practice. From early times the rule of the Church had been that the clergy were not to be admitted to take their place in the ranks of the public penitents, and this rule had been maintained with rare exceptions. Where the sin of the clerk was notorious and called for public penalty, it had been the tradition of the Church to degrade him from clerical rank and office, and to require him to take his place among the lay-people. In other cases it appears that the priest or deacon would render his confession "without loss of his dignity, God alone being witness." Confession to a priest penitentiary was indeed a part of the procedure of the public penance, and where

[1] *De ecclesiasticis officiis*, ii. 17.

no public penance was admitted, there no confession to the priest would find place.

Three means of remission.

Lastly may be noted S. Isidore's enumeration of the means of remission of sins as three in number. Besides Baptism and Penance, he gives a place to Martyrdom. In this he follows in the steps of Tertullian and of Origen.

Lent has thirty-six fasting days.

In the first book of the same work, *De ecclesiasticis officiis*, S. Isidore repeats the statement of S. Gregory that when the six Sundays were left out of account Lent contained only thirty-six fasting days, and was therefore a tithe of the year.[1] Thus in Spain, as doubtless elsewhere throughout the West, the four week-days commencing with Ash Wednesday were in S. Isidore's time no part of Lent. It will not, however, be long before the penitential observances appointed for Ash Wednesday will call for attention.

Exomologesis.

In his *Etymologies* Isidore has an explanation of the word *exomologesis*, which called so frequently for notice in the earlier chapters of this history. *Exomologesis*, he says, is rendered in Latin by *confessio*, and he speaks of the value of confession to the Lord. He goes on to say,

> "*exomologesis* is thus the discipline of prostrating and humiliating the man, in garb and diet, by his lying in sackcloth and ashes, by his fouling his body with filth, by his casting down his mind in griefs, by his reforming with sorrowful care those things wherein he sinned." [2]

S. Eligius of Noyon.

S. Eligius (S. Éloi), bishop of Noyon from A.D. 641 to A.D. 660, is one of the most interesting and attractive personalities of the Merovingian period. He was born of parents of Gallo-Roman stock at Chaptelat near Limoges about A.D. 590, and was placed as a youth with Abbo, goldsmith and coiner of the public money at Limoges. When he had become an accomplished craftsman he was employed to make a golden chair set with gems for Lothair II., king of Neustria. It is recorded that out of the material provided he made *two* chairs. His skill and his probity alike commended him to the court, and when in A.D. 629 Dagobert succeeded Lothair Eligius became one of the most confidential and trusted counsellors of the new monarch. He was not unfrequently summoned to the royal apartments even in the night hours. It is related that foreign envoys called on him before approaching the king, and that he himself was sent on an embassy to the king of Brittany.

With such influence and responsibility, probably increasing with the years, Eligius continued an honoured counsellor in the court of Dagobert all through that monarch's reign. Doubtless not the least of the reasons for the trust which was given him

[1] I. 37. [2] *Etymol.* vi. 19.

was that in a lax and rude environment he was the model of a devoted Christian layman. With his friend Audoenus or Dado (S. Ouen) he lived as nearly as possible by monastic rule in the court itself. The model which he sought to follow was the saintly temper of the monastic foundation of S. Columbanus at Luxeuil. S. Ouen relates that in his early manhood Eligius had made a general confession of the sins of his youth in the presence of a priest (*coram sacerdote*),[1] a confession unaccompanied so far as appears by the circumstances of public penance, and probably made under the Irish system at, or within the influence of, Luxeuil. During his life in Dagobert's court Eligius took opportunities to visit Luxeuil as what would now be called a retreatant, the other monasteries of the day in Gaul being described as undisciplined and secular. And when he was able to carry out his cherished design of founding a monastery, he imposed upon Solignac the rule of Luxeuil, and gave the abbat of Luxeuil power to intervene in case of relaxation.

His confession to a priest in early life.

The connexion of Eligius with Luxeuil is thus indisputable, and the significance of this will presently appear. But an even greater interest attaches to the episcopal utterances of Eligius at Noyon, which show the Gallic observance of public penance at a late stage, but before the Irish system had yet noticeably affected them. It was in the year A.D. 639 that Dagobert died, and it was in that year that Eligius and Audoenus definitely carried out their desire to seek ordination. Eligius was a prominent man in the country, and it is not surprising that by A.D. 641 he was chosen and consecrated to be bishop of Noyon and Tournai. His diocese was largely pagan, and he had the heart of a missionary bishop: but the present concern is with the administration of Penance to the Christian people.

His connexion with Luxeuil.

With such a career as has been indicated it would hardly be expected that Eligius would be very deeply versed in patristic letters: but the homilies which remain show him to be acquainted with the writings of S. Leo, of S. Gregory, and above all of S. Cæsarius of Arles. The wholesale embodiment of passages of S. Cæsarius in the homilies of Eligius is, in fact, so marked a feature of these homilies that one critic has hesitated in admitting that they should be assigned to Eligius at all. This, in view of the age and of the man, seems to be a too sensitive criticism.[2] Eligius might well be glad to use any material which would help him.

Homilies.

The homilies, as printed in Migne (Tom. LXXXVII.) are sixteen in number. Of these ten (4–13) were preached in various years *in cœna Domini*, on the Thursday before Easter. That day was still the great day of public reconciliation of penitents by the bishop.

[1] *S. Eligii episcopi Noviomensis Vita*, 7.

[2] Krusch, in *Mon. Germaniæ Historica. Scrip. Rer. Meroving*, IV. 750. See also Van der Essen, in *Bulletin bibliographique du musée belge*, 1903, 51.

> "As your affection has heard, this washing of the feet is the purgation of our sins: whence the reconciliation of penitents takes place not unfitly on this day, as the custom of the Church maintains. For, as was said by the Fathers before us, when the wound of sin and the force of disease are so serious that the remedies of the Body and Blood of the Lord are to be deferred, each (penitent) is by the authority of the bishop (*antistitis*) to remove himself from the altar for the purpose of penance, and by the same authority to be reconciled." [1]

Public penance still in force. Penitents first excluded, then admitted to penance.

It is interesting to note from this that the system of public penance was still in full force. The repentant persons were first cast out by exclusion from communion, and then admitted to Penance. They made their public appearance attired in the garb of penitence with unwashed face and dishevelled hair (*crine demisso*). This may refer primarily to women. If men are included, they do not now shave their heads.

Absolution by bishop with laying on of hands.

When the bishop absolves on the *Cœna Domini* he does so with the laying on of hands. This is interesting, as there is in history so little evidence of a laying on of hands which is certainly to be referred to the act of absolution. Thus in *Hom.* 11 :—

> "Before all it is necessary for you to know that although you may desire to receive the imposition of our hands, yet you cannot receive the absolution of your sins before the Divine compassion shall deign to absolve you through the grace of compunction: for then, as says blessed Gregory, is the absolution of the president real, when it follows the sentence of the internal Judge."

Again in *Hom.* 15 :—

> "It behoves us, therefore, by the imposition of the hand and by the grace of the Holy Spirit, to snatch them by a spiritual remedy from the corruption of the disease."

It is thus evident that the bishop reconciled with the imposition of hands.

S. Eligius on absolution.

The exact force of the bishop's absolution has been with S. Eligius a matter of some study. He quotes, as has been seen, a sentence of S. Gregory stating that the bishop's absolution follows the Divine. In *Hom.* 4 he says with S. Ambrose that the bishops absolve as ministers, the fount of authority being Christ. He also in the same homily quotes the passage of S. Leo in which he affirms that the Saviour Himself perpetually intervenes in this work, and that He is never absent from the functions the fulfilment of which He has committed to His ministers.

[1] *Hom.* 4.

In these sermons Eligius takes the opportunity to address not the public penitents only, but the whole number of the Christian people. And it appears that, like Cæsarius, whose material he so largely uses, he has a place for the Christian who is a penitent in his life, though not appearing in the ranks of the public penitents. He recognises the Penance of a consistent life.

> "And inasmuch as this sacred festival of the *Cœna Domini* has in itself many mysteries, so in particular is this so for penitents, for whom it is seen to be their only refuge (*confugium unicum*) to the Lord. And not only for those doing public penance, but also for all Christians, because although the Church has not openly cast us forth from herself as she has cast those forth, yet the whole life of a Christian ought to consist ever in penitence and compunction." [1]

Thus, like Cæsarius, he recognises that class of penitents who, not having been cast forth by the Church, show their penitence by a humble consistency of conduct during the whole remaining course of life. But he appears to be taking new ground when he includes all Christians in this class, himself among them. All Christians such penitents.

Eligius repeats what Cæsarius had said that all men wished to be accorded Penance before death; but that, from the various contingencies of human life only few in fact were able to obtain it. The recourse to Penance at the approach of death would appear to have been as prevalent in the days of Eligius as in those of Cæsarius. He exhorts his hearers to confess their sins while they may. Danger of deferring penance till death.

> "Let each confess his offences, I beg you, my brethren, while he who has offended is still in the world, and while his confession may be received." [2]

The connexion of Lent with penance begins to appear at this period of Church history. S. Eligius in *Hom.* 15, says :— Lent begins to be related to penance.

> "Therefore whosoever of you has in these observances of the forty days endeavoured to exercise himself in penitence and in the debt of his confession, let him give GOD thanks, and notwithstanding what he has destroyed in himself by violating the temple of GOD, yet let him not despair, but quickly rise from the evil of his iniquity."

This fifteenth homily will repay study. Prefacing that he is about to proceed to the laying of hands on those sheep who have strayed from the flock, and so to bring them back to the fold, he goes on to expound S. Paul's admonition to the Corinthians on their disorderly communions. The value of penitence and con-

[1] *Hom.* 6. [2] *Hom.* 11.

Distinction between public penitents and other persons present.

fession in Lent are mentioned, as already noted. And then he addresses an exhortation first to all who were present, and next to those who were in the strict sense doing public penance. The distinction is clearly marked.

To the congregation generally he says :—

> " In like manner what I say unto you, I say unto all; clerks, lay-people, nuns, that as each on examination finds himself attainted by the contagion of envy or detraction or hatred, or again of fornication, or incest, or perjury, or other vices, each do to-day at least endeavour to purify himself by the remedy of the Divine salvation, so far as he is able. Let him confess against himself his unrightcousness to the Lord, that so He may forgive the impiety of his heart, and the residue of his thoughts may make a feast-day to the Lord. For then do the residue of his thoughts make a feast-day to the Lord when any sinner after his confession first made, promises to restrain himself from his iniquity and bursts forth utterly into tears and affliction of heart, since God does not despise a contrite and humble heart."

Then, turning to the public penitents, he continues :—

> " But because to those who acknowledge the greater sins the greater remedies have to be applied, I will turn now to you whom the Church is accustomed to call *penitents*, desiring to hear and to see with what intention you have sought to bewail your offences, and with what zeal you are purposing to provide that your souls do not fall back into the pit of perdition."

Penance may be accorded twice.

He follows S. Cæsarius in his teaching that Penance may be accorded twice. For further falls he fears the worst.

> " If, then, any have committed capital offences once, or a second time, and shall have betaken himself to the fruit of penance, he will obtain again the soundness which he had lost : if, however, he go on to add crime to crime, and permit the wound of the soul to putrefy by covering it up, it is to be feared that the words of the prophet will be fulfilled in him in startling wise, ' The beasts have rotted in their dung.' . . ." [1]

The *Gelasian Sacramentary.*

Some reference has already been made to the *Gelasian Sacramentary*. It is not now maintained by any scholar that S. Gelasius was the author or compiler of the *Sacramentary*. Duchesne conjectures that the name may have been applied in the eighth or ninth century, to distinguish this older form of Sacramentary from that which bore the name of S. Gregory.[2] The name may be accounted for by the tradition preserved in the *Liber Pontificalis*, that S. Gelasius was the author of " prefaces and prayers."

[1] *Hom.* 15. [2] Duchesne, *Origines du Culte Chrétien*, 121–123.

Portions of the *Sacramentary* are undoubtedly very ancient, and certain passages bearing on the public reconciliation of penitents have already been cited as in agreement with what is otherwise known of the usage of the Roman Church at the end of the fourth century. Mr. Wilson, the learned editor of the Oxford edition, judges that the Gelasian Sacramentary as it is found in the Vatican manuscript "is in the main derived from an early Roman Sacramentary, but incorporates some material drawn from Gallican sources, while the Sacramentary from which it was for the most part copied probably contained insertions and additions of a date later than the beginning of S. Gregory's pontificate." [1] He adds that the Vatican manuscript itself certainly contains such Gregorian or post-Gregorian elements. Varying antiquity of its sections.

Without pronouncing too certainly on the dates of particular sections of the Sacramentary, any remaining notices with regard to it may be made in this place.

First may be noticed the office for giving Penance (*ad pœnitentiam dandam*). It may be conjectured that when the priests of the twenty-five titles organised by Marcellus received the confessions of such penitents as came to them, accorded to them the state of the penitent, and assigned the character and term of the penance, the act according the state of the penitent was little more than an expressed approval, and that the person at once proceeded to take his place with the other penitents during the solemnisation of the public Liturgy. In the *Sacramentary* is found a somewhat elaborate office "for giving Penance." [2] Beginning with three psalms [Pss. vi. cii. (ciii.) 1–6, l. (li.)], the priest proceeds to recite three prayers. Of these the first makes a reference to "this public confession" (*in hac publica confessione*), which may be taken to show that this service of admission was now public in character, the "public confession" meaning probably the outward acceptance of the place and character of a penitent rather than any public enumeration of sins. The particular confession of sins would have been made privately to the priest before the service found place. The references to confession in the third collect might apply either to this particular confession, or to the public exercise of penance. *Ad pœnitentiam dandam.*

> "Almighty and everlasting Lord God, who hast assigned (*posuisti*) the pardon of sins to a ready confession, succour the fallen, have mercy on those who have confessed, etc."

Next may be noticed the prayers to be said "over penitents" (*super pœnitentes*), a series of five collects which were probably said at some point of the *missa catechumenorum*.[3] The whole congregation present at the service would join in these prayers for their abased brethren doing penance. The first of the five *Prayers super pœnitentes.*

[1] Wilson, H. A., *The Gelasian Sacramentary* (Oxford, 1894), Int. lxxiv.
[2] *Ibid.*, p. 314. [3] *Ibid.*, p. 14.

collects is the collect familiar to members of the English church as occurring in the Commination Service of the Prayer Book.

> "O Lord, we beseech Thee, mercifully hear our prayers, and spare all those who confess their sins unto Thee; that they whose consciences by sin are accused, by Thy merciful pardon may be absolved; through Christ our Lord. *Amen.*"

The various references to confession in these prayers probably have the public penitence in view rather than the private enumeration. It may be supposed that it was in connexion with these prayers thus said publicly over the penitents that the recurring ceremonial usage of the laying on of hands would find place. The next extract to be noticed is certainly post-Gregorian and probably Gallican.

Order for those doing public penance.

> "*Order for those doing public penance.*
>
> "Thou receivest him on the morning of the Wednesday at the beginning of Lent (*iv feria mane in capite quadragesimæ*) and coverest him with haircloth, prayest for him, and confinest (*inclaudis*) him till the *Cœna Domini*. On that day he is presented in the bosom of the Church, and while he lies prostrate with his whole body on the ground, the pontiff makes prayer over him for his reconciliation on the Thursday of the *Cœna Domini*, as is there contained." [1]

Ash Wednesday as the *caput jejunii*.

In the time of S. Gregory Lent still commenced with the first Sunday in Lent, which was the *caput jejunii*. With this agree the prayers in the *Sacramentary* for the beginning of Lent, which are appointed for the first Sunday.[2] The rubric now quoted recognises Ash Wednesday as the *caput jejunii*, makes that day a day specially appointed for the admission to Penance of persons undertaking public penance, and instructs the officiant that at such admission he is to cover the person with haircloth and to pray for him, and that thereafter he is to shut him up, presumably in a monastery, till the *Cœna Domini*. For the reconciliation on the *Cœna Domini* reference is made to the more ancient instructions of the *Sacramentary*.

Penitence conterminous with Lent.

This development is noteworthy. Penance is now become an observance which has its season. It had from ancient times been brought to an end by the reconciliation of the *Cœna Domini*: now it is initiated on Ash Wednesday, and its observance, at least in the stricter sense, is thus conterminous with Lent.

Some accompaniments of public penance remain.

Some at least of the ancient accompaniments of public penance remain. Such are the haircloth and the prayers of formal admission. An entirely new feature is the seclusion of the penitent in a monastery throughout the Lenten season.

[1] Wilson, H. A., *The Gelasian Sacramentary* (Oxford, 1894), p. 15.
[2] *Ibid.*, p. 17.

Canon pseudo-Agathensis. Its history.

At this point may be noticed a most interesting canon or rubric, the origin of which is at present unknown. It may be referred to as the *Canon pseudo-Agathensis*. It is found in the collection of Regino of Prüm, entitled *Libri duo de synodalibus causis et disciplinis ecclesiasticis*, which was compiled by him at the request of Ratbod, metropolitan of Trier about A.D. 900.[1] Regino heads the section *Item unde supra*, and as in his collection it follows a canon of Agde, it is cited in the collections of Burchard of Worms (*c.* A.D. 1020), and of Yvo of Chartres (*d.* A.D. 1117), as well as in the *Decretum* (A.D. 1139) of Gratian, as being itself a canon of Agde. It is not, however, among the canons of Agde (A.D. 506), nor has it been identified with any canon recorded in Mansi, or in any of the great collections.[2] Whatsoever the date of the section, it is no fabrication. In its present form it may be assigned to a date not far from A.D. 650.

> "At the beginning of Lent (*in capite quadragesimæ*) all the penitents who are undertaking or have undertaken public penance are to present themselves to the bishop of the city in front of the doors of the church, clothed in sackcloth, with bare feet, with faces cast to the ground, proclaiming by garb and countenance that they are guilty. There ought to be present the deans, that is, the archpriests of parishes, with the witnesses, that is, the presbyters of the penitents, who should carefully investigate their conduct. And according to the measure of fault let him (the bishop) enjoin penance by the appointed grades. After this let him bring them into the church, and prostrate upon the ground with all the clergy let him sing the seven psalms of penitence with tears for their forgiveness: then, rising from prayers as the canons order, let him lay his hands on them, let him sprinkle blessed water over them; let him first apply ashes, then cover their heads with haircloth and with groaning and repeated sighs let him denounce to them that, as Adam was cast out of Paradise, so they too for their sins are cast out from the Church. Afterwards let him order the attendants that they cast them outside the doors of the church, but let the clergy accompany them with the responsory, *In the sweat of thy brow shalt thou eat thy bread*, in order that when they behold the Holy Church quaking and aroused for their offences, they shall not estimate their penance lightly. But at the sacred *Cœna Domini* let them be presented anew at the threshold of the church."[3]

About A.D. 650.

What is the date of the document as it stands? The use of holy water, and the connexion of penance with the beginning of Lent, preclude a much earlier date than A.D. 650; while the

[1] *Ed.* Wasserschleben (Lipsiæ, 1840), *Lib.* I. *c.* 295.
[2] Petit, following Favier, includes the canon in his *Capitula Theodori*.
[3] Regino of Prüm, *Libri duo de synodalibus causis, etc., Lib.* I. *c.* 295. *Corpus Juris Canonici*, ed. Friedberg, I. 201.

direction to the bishop to prostrate himself, and the provision for including persons who had undertaken penance in the course of the past year, may be taken to bar a much later date. Some parts of the document may, however, be much more ancient than A.D. 650. The phrase *per præfixos gradus* looks like a rendering of the formula κατὰ τοὺς ὡρισμένους βαθμούς which was employed in the Asian provinces in the fourth century. It corresponds, so far as is known, with no usage of the West. It disappears in the *Pontificale Romanum*. The provision that the bishop shall prostrate himself upon the ground with all the clergy, and shall himself use tears and groans and sighs, recalls the ancient Roman usage. This too, save for the tears, disappears in the *Pontificale Romanum*. The document may probably be a rubrical direction as it stood about A.D. 650.

Leading features.

The leading features of the document may now be noticed. It falls in with the novel practice of associating Penance with the beginning as well as with the end of Lent. It is, in fact, a detailed instruction for the solemn ejectment of the penitents from the church on Ash Wednesday or on such other day as may be indicated by the phrase *in capite quadragesimæ*. But Penance in ordinary cases of gravity is not yet confined to Lent, and the persons who are to present themselves before the bishop are not only those who are now first undertaking public penance, but also those who have already undertaken it, presumably in the course of the year past. They are all to assemble themselves before the doors of the church where the bishop stands ready to attend to them. They are to exhibit the garb and seeming of penitents. They are to wear sackcloth; their feet are to be bare; their looks are to be downcast. Thus all these persons are definitely public penitents, and not merely persons of the congregation practising penitent devotion during Lent. The priests concerned with the particular penitents are to be present, and are to make diligent investigation into their conduct. It will then be the duty either of the bishop [1] or of the priests [2] to assign suitable penances *by the appointed grades*, a phrase which was probably a mere survival. After this the clergy are to bring the penitents into the church as a preliminary to the solemn and ceremonial casting them out of it. Within the church is practised the ancient Roman usage of the prostration on the ground of the bishop and all the clergy, who join their tears with those of the penitents. The seven penitential psalms are now part of the procedure. When the bishop rises from the ground, he lays his hands on the penitents, he sprinkles them with holy water (the first mention of this ceremony), he puts ashes on their heads, and he covers their heads with haircloth. It will be recalled that they were already clothed in sackcloth. With groans and sighs he recites

[1] Regino, *iniungat*.
[2] Friedberg, *Corpus Juris Canonici, iniungere*.

that as Adam was cast out of Paradise for his offence, so must the penitents be cast out of the church for their offences. The attendants are then, upon the bishop's order, to formally thrust the penitents outside the doors of the church, while the clergy sing the responsory *In sudore vultus*. There is no instruction here that they are to be sequestrated in a monastery. So far as appears they did not as in earlier times take their part in the public Liturgy of the Church, while occupying the debased position assigned to penitents, but they remained excluded from the church altogether till the *Cœna Domini*, when they were presented anew and reconciled.

The *Pontificale Romanum*.

Whatsoever the origin of this interesting document there can be no doubt of its close relation to the directions for the expulsion of penitents, which are still retained in the *Pontificale Romanum*. The extracts printed above from the *Pontificale* are given from Catalani's edition, as republished at Paris in A.D. 1852. The directions will be found to be an amplification of the document which has just been considered. Penitents on whom for graver sins solemn penance is to be imposed in accordance with law or custom are to be formally ejected from the church at the beginning of Lent. No mention is made of any who have undertaken penance during the past year. The penitents are to come at nine o'clock to the cathedral, clothed in sordid vestments, with bare feet, and with looks cast to the ground. They will accept penance according to the measure of the fault from the bishop, penitentiary, or other official. No grades are mentioned. They are next sent out and remain before the church doors.

The bishop and clergy now take order within the church for the act of solemn expulsion. The dress and insignia of the bishop are indicated in detail. The clergy form into two lines of choir extending to the doors of the church. Between the lines the penitents pass in and prostrate themselves with tears upon the pavement. The bishop does not prostrate himself, but sits with his mitre on his head, and puts ashes on the head of each penitent, bidding him do penance that he may have eternal life. The archpriest standing may do this for the bishop. A canon sprinkles the penitents with holy water. The bishop then blesses the haircloth coverings, and having blessed them, covers the heads of the penitents with them. He then begins the antiphon, *Remember not, Lord*, and kneels at the faldstool; the ministers, the people, and the penitents, prostrate themselves upon the ground; and the seven penitential psalms and various litanies and prayers are said. Next the penitents rise from the ground (no mention of laying on of hands), and the bishop addresses to them a discourse, in which he points out how Adam was cast out of Paradise for his sin, and how the penitents too must be cast out of the church for a season. Which done, the bishop takes one of them by the right hand, and all the rest, holding one another by the

hand, and having in their hands lighted candles, follow him, and so he puts them forth from the church with tears, using a form of words again likening their ejectment to that of Adam. The choir sing the responsory, *In sudore vultus*. The penitents being now outside the church, and kneeling in front of the church doors, the bishop stands upon the threshold and bids them not to despair, but to be diligent in fasts, prayers, pilgrimages, almsgiving, and other good works that the Lord may lead them to the worthy fruit of true penitence; and that meanwhile they are not to presume to enter the church till the Thursday of the *Cœna Domini*, when they will be restored. Then the bishop returns in procession to the choir, the doors are shut in the faces of the penitents, and the Mass begins.

Closely related to the *Canon pseudo-Agathensis*.

These interesting directions have been referred to as they stand now in the *Pontificale Romanum*. It is obvious that, allowing for some subsequent additions and modifications, they represent substantially the same usage as that which is directed in the *Canon pseudo-Agathensis*. The *Pontificale* and the *Canon* together form a valuable double testimony to the practice of Rome and of the West at a period when that practice was as yet untouched by the introduction of the Irish and English systems of private penance and reconciliation. They represent a period at which the practice of penance has become associated with the season of Lent: but they show no signs of the later development of the public Lenten services, which tended to identify the penitents with the congregation, and the congregation with the penitents. Together they form the best available record of that historic public penance of the West, which in the controversies of the ninth century was commonly referred to as *canonical* penance.

The *Pontificale* and the *Canon* together are the best record of the ancient *canonical* penance.

The phrase "public penance."

The use of the phrase *public penance* in the *Canon pseudo-Agathensis* and of the phrase *solemn penance* in the *Pontificale* must not be taken to imply that the later system comprising not only (1) private confession, but also (2) private penance, and (3) private reconciliation by a priest, was in use at the same time. Of this system only the first beginnings are at this time showing themselves on the continent of Europe with the British isles as their place of origin. It will presently be seen how the Gallic church was affected by S. Columbanus. In Italy it may be safely affirmed that any such practice was in the seventh century utterly unknown, if the monastery of Bobbio in Lombardy be left out of account. The phrases *public penance* and *solemn penance* in the *Canon* and the *Pontificale* must be taken as in antithesis to the private penitence of the faithful as it is referred to by the ancient Fathers generally; a penitence in which the Christian sought forgiveness for the minor sins of life by private devotion and works of piety.

Spain.

Attention may now be turned to that remarkable development of penitential practice in Spain which took the form of the service of *Indulgentia* on Good Friday. In Spain the admission of solemn Penance had been since the Third Council of Toledo in A.D. 589 jealously restricted. Only one such Penance was admitted in the whole course of life. But if solemn Penance was charily accorded, the desirability of some penitential observance, not only by some but by the whole number of the Christian people, soon found definite expression. The canonical authority for the service of *Indulgentia* is given in the seventh canon of the Fourth Council of Toledo, which was held in A.D. 633.

The service of *Indulgentia*.

Authorised by *Fourth Council of Toledo*.

> "Accordingly it is desirable that on that day should be preached the mystery of the cross, which the Lord desired to be proclaimed to all, and that all the people should ask for pardon (*indulgentiam*) of their offences in a loud voice: in order that being cleansed by the compunction of penitence we may with our iniquities forgiven be worthy to celebrate the venerable day of the Lord's resurrection, and cleansed from sin may receive the sacrament of His Body and Blood."

The service in which the people were to ask for *indulgentia* with a loud voice is to be found in the Mozarabic Breviary. It is headed: *Sexta Feria in Parasceve. Ad Nonam pro indulgentia.* At Nones on Good Friday the whole congregation assisted as penitents.

The *Mozarabic Breviary*.

> "Keep silence. *Preces.* Pray as penitents, bend the knees to GOD. Let us pray our Lord GOD that He vouchsafe to bestow upon us forgiveness of our offences and remission of our sins. Rise. Pray, bend the knees to GOD. Let us beseech our Lord GOD, that He extend a hand to the fallen; and that He of His clemency extend the protection which is asked of Him. Let us beseech our Lord GOD, that we, remembering the evils we have wrought, may henceforth avoid the snares of the enemy; so that whomsoever the devil by his persuasion had withdrawn from the altar of GOD the protective shedding of tears may recall. Rise: our prayer is at an end. Let us all with one voice ask pardon (*indulgentiam*) from the Lord. We fall prostrate for the prayers. *Indulgentia* three hundred times. *o. o. o. o. o. o. o.* This three hundred times."

In the second section of the service *Indulgentia* is cried two hundred times; in the third section one hundred times.

The service here commented on is taken from Migne's edition of the *Breviarium Gothicum* (*P. L.*, LXXXVI. 612).

A variant form of the Mozarabic service of *Indulgentia* is found in the *Liber Ordinum*, published at Paris in A.D. 1904, under the

The *Liber Ordinum*.

careful editing of Dom. M. Férotin.[1] The service is to begin strictly at three o'clock, the hour at which the Lord gave up His spirit. The cry of *Indulgentia* is to be made not more than seventy-two times. The first prayer *super pœnitentes* of the Gelasian Sacramentary is used in this service, with reference to the whole congregation.

The *Indulgentia* does not distinguish penitents. It is congregational.

For the purpose of the present investigation the outstanding importance of the service of *Indulgentia* lies in the fact that there is no distinction of penitents from the rest of the congregation. The whole congregation assume the rôle of penitents, and cry aloud for pardon. This congregational penitence is the exercise of a single day, and that day Good Friday. It will be remembered that the public reconciliation by the bishop was held in the church of Milan on Good Friday in the days of S. Ambrose. The Spanish service of *Indulgentia* is a brief congregational penance performed on Good Friday, and it is understood to be a means to such forgiveness, that those who take part in it worthily may approach the Holy Eucharist on Easter Day.

[1] *Liber Ordinum, en usage dans l'église wisigothique et mozarabe d'Espagne.*

XI. FROM A.D. 450 TO A.D. 650

II. The Keltic System

Text of Authorities

Canons cited as of the Second Synod of S. Patrick (c. A.D. 475).
Gildas.
Synods of S. David (before A.D. 569).
S. Finian, abbat of Clonard (Pœnitentiale Vinniai, c. A.D. 530).
S. Columbanus.
Jonas, commonly cited as "abbas Elnonensis" (c. A.D. 600–690).
S. Donatus, bishop of Besançon (A.D. 592–651).
Council of Chalon-sur-Saone (between A.D. 639 and A.D. 654).
[Foundations of S. Columbanus, notice of] in the Abbat Adso.
Pœnitentiale (Pseudo-)Romanum.
Pœnitentiale Parisiense.
Pœnitentiale Bobiense.

[*The abbat to see to whom the power of binding and loosing be applied. Penance may be shortened for the fervent.*]

Canons cited as of the Second Synod of S. Patrick (*c.* A.D. 475).

[Haddan and Stubbs, *Councils and Ecclesiastical Documents*, II. ii. 333.]

C. 3.

Statuitur, ut abbas videat, cui attribuetur potestas alligandi et solvendi; sed aptior est, juxta Scripturæ exempla, veniam. Si vero cum fletu et lamentatione et lugubri cum veste sub custodia, pœnitentia brevis quam longa, et remissa cum temperamentis.

[*Some penances.*]

Gildas (*ante* A.D. 570).

[Haddan and Stubbs, *Councils and Ecclesiastical Documents*, I. 113.]

Incipit prefatio Gildæ de Penitentia.

I. Presbyter aut diaconus faciens fornicationem naturalem sive sodomitam, prelato ante monachi voto, iii annis peniteat; veniam omni hora roget, superpositionem faciat in unaquaque ebdomada, exceptis I diebus post Passionem; pane sine mensura, et ferculo aliquatenus butiro inpingato, die Dominico, ceteris vero diebus paxmati panis mensura, et miso parvum inpinguato, horti holeribus, ovis paucis, Britannico formello utatur, himina Romana lactis pro fragilitate corporis istius evi, tenuclæ vero vel balthutæ lactis sextario Romano sitis gratia, et aquæ talimpulo, si operarius est. Lectum non multum feno instructum habeat. Per tres quadragesimas superaddat aliquid, prout virtus admiserit. Semper ex intimo corde defleat culpam suam; obœdientiam pre omnibus libentissime excipiat; post annum et dimedium Eucharistiam sumat, et ad pacem veniat, psalmos cum fratribus canat, ne pœnitus anima tanto tempore cælistis medicinæ intereat.

[*Penalties for those who have confessed grave sin.*]

Synods of S. David (*ante* A.D. 569).

[Haddan and Stubbs, *Councils and Ecclesiastical Documents*, I. 117.]

Sinodus Aquilonalis Britanniæ (Llandewi-Brefi).

I. Cum muliere vel cum viro peccans quis expellatur, ut alterius patriæ cœnubio vivat, et peniteat confessus iii annis clausus, et postea frater illius altari subjectus, anno uno diaconus, iii presbyter, iv episcopus et abas; suo quisque ordine privatus doctoris judicio peniteat.

. . . . . .

Altera synodus Luci Victoriæ.

IX. Totum hoc quod diximus, si post votum perfectionis fecerit homo. Si autem ante votum, annus diminuitur de omnibus; de reliquis vero, ut debet, minuitur dum non vovit.

[*Particular observances of a three years' penance.*]

Liber Davidis (*bet.* A.D. 550 and 600).

[Haddan and Stubbs, *Councils and Ecclesiastical Documents*, I. 119.]

Excerpta quædam de Libro Davidis.

Nunc autem presbiteri ruentis penitentia est, diaconique et subdiaconi, virginisque et cujusque hominis, hominem ad mortem tradentis et cum pæcodibus vel cum sua sorore vel cum mariti

Liber Davidis.

uxore fornicantis, et venenis hominem occidere volentis, triennium. Primo anno super terram, secundo lapidi caput imponendum, tertio super axem jaceat, solo pane et aqua et leguminis talimpulo vexatur. Ceterique malint xxx triduanos vel cum superpositionibus, cum cybo lectoque supradicto, annona ad nonam usque ad alteram. Alia est penitentia iii annis, sed himina de cervissa vel lacte, cum pane saleque; altera e duabus noctibus cum prandii ratione, et ordine xii horis noctium dierumque Deum supplicare debent.

[*Some penances.*]

Pœnitentiale Vinniai (*c.* A.D. 530).

§ 6. [Wasserschleben, *Bussordnungen*, 109.]

Si quis ad scandalum surrexerit et disposuit in corde suo proximum suum percutere aut occidere, si clericus fuerit, dimidium annum peniteat cum pane et aqua per mensuram et annum totum abstineat se a vino et a carnibus, et sic altario reconciliatur.

§ 10.

Si quis autem ruina fornicationis ceciderit et clericus fuerit, coronam suam perdiderit, et si semel hoc contingeret et celatum est hominibus sed notuit coram Deo, annum integrum peniteat cum pane et aqua per mensuras et duobus annis abstineat se a vino et carnibus, sed officium clericatus non amittat. Dicimus enim, in absconso absolvi esse peccata per penitentiam et per studium diligentius cordis et corporis.

[*Offences of lust short of fornication.*]

§ 15. [Wasserschleben, *Bussordnungen*, 111.]

Si autem multarum feminarum habuerit familiaritatem, et earum cummansionibus et osculis illecebrosis dederit se ipsum, sed ipse ut dicat se servavit a ruina, dimidium annum peniteat cum pane et aqua per mensuram et dimidium aliud abstineat se a vino et a carnibus. Et non dimittat officium clericatus, et post annum integrum penitentiæ jungatur altario.

[*Authorities, the Scriptures and the learned. For the sons of his bowels through affection or religion.*]

Conclusion. [Wasserschleben, *Bussordnungen*, 119.]

Hæc, amantissimi fratres, secundum sententiam scripturarum vel opinionem quorundam doctissimorum, pauca de penitentiæ remediis vestro amore compulsus supra possibilitatem meam potestatemque temptavi scribere. Sunt præterea alia vel de remediis aut de varietate curandorum testimonia, que nunc brevitatis causa vel situs loci aut penuria ingenii non sinit nos ponere. Sed si qui divine lectionis scrutatus ipse magis inveniat

Pœnitentiale Vinniai.

aut si proferet meliora vel scripserit, et nos consentimus et sequeremur. Finit istud opusculum, quod coaptavit Vinniaus suis visceralibus filiis dilectationis vel religionis obtentu, de scripturarum venis redundans, ut ab omnibus omnia deleantur hominibus facinora.

[*Parallel provisions of the* Pœnitentiale Vinniai *and the* Pœnitentiale Columbani.]

Pœnitentiale Vinniai.	**Pœnitentiale Columbani.**
§ 8. [Wasserschleben, 109.] Si autem clericus fuerit, et percusserit fratrem suum aut proximum aut sanguinem effunderit, unum est, ut occiderit eum, sed non eadem penitentia, annum integrum peniteat cum pane et aqua et sine ministerio clericatus et orare pro se debere cum fletu et lacrimis, ut misericordiam a Deo consequatur, quia dicit scriptura: Qui odit fratrem suum, homicida est, quanto magis qui percutit.	B. 9. [Wasserschleben, 356.] Si quis clericus per rixam proximum suum percusserit et sanguinem fuderit, annum integrum pœniteat, si laicus, quadraginta diebus.
§ 9. Si autem laicus fuerit, xl dierum peniteat, et det pecuniam aliquam qui percutit, quantum arbitratus fuerit sacerdos aut justus quisquam. Clericus autem pecuniam dare non debet aut illi aut ille.	B. 21. Si quis laicorum per scandalum sanguinem fuderit aut proximum suum vulneraverit aut debilitaverit, quantum nocuit, tantum reddere cogatur. Si autem non habet unde solvat, opera proximi sui primum agat quamdiu ille infirmus est, medicumque quærat et post sanitatem ejus quadraginta dies in pane et aqua pœniteat.
§ 11. Si autem in consuetudine multo tempore peccati fuerat, et in notitiam hominum non venerat, tribus annis peniteat cum pane et aqua, et officium clericatus amittat et aliis tribus abstineat se a vino et carnibus, quia non minus peccare coram Deo, quam hominibus.	B. 4. Si quis vero fornicaverit quidem cum mulieribus, sed non filium generaverit, et in notitiam hominum non venerit, si clericus, tribus annis, si monachus vel diaconus, quinque annis, si sacerdos, septem, si episcopus, duodecim annis.

Pœnitentiale Vinniai.

§ 12.

Si quis autem clericorum ruina maxima ceciderit et genuerit filium et ipsum occiderit, magnum est crimen fornicatio et homicidium, sed redimi potest per penitentiam et misericordiam, tribus annis peniteat cum pane et aqua per mensuram in fletu et lacrimis atque orationibus die ac nocte et postulet Domini misericordiam, si forte habeat remissionem peccatorum, et tribus annis abstineat se a vino et a carnibus sine officio clericatus et quadragesimas in tribus annis novissimis jejunet cum pane et aqua, et extoris existat in patria sua, donec impleavit numerus vii annorum et ita judicio episcopi, vel sacerdotis officio suo restituatur.

Pœnitentiale Columbani.

B. 2.

Si quis ruina maxima ceciderit, et filium genuerit, septem annis peregrinus in pane et aqua pœniteat; tunc primum sacerdotis judicio jungatur altario.

§ 17

Si autem perseveranter concupivit et non potuit, quia non suscepit eum mulier sive erubuit dicere, jam mechatus est eam in corde suo. Sed in corde et non in corpore unum est peccatum, sed non eadem penitentia est; penitentia ejus hæc est: xl dies peniteat cum pane et aqua.

B. 11.

Si quis concupiscit mulierem et non potest facere, id est, non suscipit eum mulier, dimidium anni in pane et aqua pœniteat et toto se abstineat anno a vino et carnibus et communione altaris.

§ 18.

Si quis clericus maleficus vel si qua mulier malefica, si aliquem maleficio suo deciperat, inmane peccatum est, sed per penitentiam redemi potest, vi annis penitentiam agat, iii annis cum pane et aqua per mensuram, et in residuis annis abstineat se a vino et a carnibus.

B. 6.

Si quis maleficio suo aliquem perdiderit, tribus annis pœniteat cum pane et aqua per mensuram, et tribus aliis annis abstineat se a vino et carnibus, et tunc demum in septimo anno recipiatur in communionem . . .

Pœnitentiale Vinniai.

§ 19.

Si autem non deciperit aliquem sed pro inlecebroso amore dederat alicui, annum integrum peniteat cum pane et aqua per mensuram.

§ 20.

Si aliqua mulier maleficio suo partum alicujus femine deciperit, dimidium annum peniteat cum pane et aqua per mensuram, et ii annos abstineat se a vino et a carnibus, et vi quadragesimas jejunet cum pane et aqua.

§ 22

Si quis autem juraverit juramentum falsum, magnum est crimen aut vix aut non potest redemi, sed tamen melius est penitere et non disperare; magna est misericordia Dei. Penitentia ejus hæc est: in primo nunquam in vita sua jurare debere, quoniam vir multum jurans non justificabitur et plaga de domo ejus non discendat, sed in presentia celeri medicina penitentiæ prævenire oportet penas perpetuas in futuro et agere penitentiam vii annorum et de reliquo vite sue bene facere et non jurare et ancillam sive servum liberare sive prætium ejus pauperibus aut egentibus dare.

Pœnitentiale Columbani.

B. 6 (*cont.*).

Si autem pro amore quis maleficus sit, et neminem perdiderit, annum integrum cum pane et aqua clericus ille pœniteat, laicus dimidium, diaconus duos, sacerdos tres . . .

B. 6 (*cont.*).

Maxime si per hoc mulieris partum quisquam deceperit, ideo sex quadragesimas unusquisque insuper augeat, ne homicidii reus sit.

B. 5.

Si quis perjuraverit, septem annis pœniteat, et nunquam juret postea.

B. 20.

Si quis laicus perjuraverit, si per cupiditatem hoc fecerit, totas res suas vendat et donet pauperibus et convertatur ex integro ad Dominum, et tundatur omni dimisso sæculo et usque ad mortem serviat Deo in monasterio. Si autem non per cupiditatem, sed mortis timore hoc fecit, tribus annis inermis exul pœniteat in pane et aqua, et duobus adhuc abstineat se a vino et carnibus, et ita animam pro se reddens, id est, servum aut ancillam de servitutis jugo absolvens et eleemosynas multas faciens per duos annos in quibus illi licito uti facile cibis est cunctis, excepta carne, post septimum communicet annum.

Pœnitentiale Vinniai.

§ 23.

Si quis clericus homicidium fecerit et occiderit proximum suum et mortuus fuerit, x annis extorem fieri oportet et agat pœnitentiam vii annorum in alio orbe, et tribus ex ipsis cum pane et aqua per mensuram pœniteat, et tribus xl mis jejunet cum pane et aqua per mensuram, et iiii abstineat se a vino et a carnibus, et sic impletis x annis, si bene egerit et cumprobatus fuerit testimonio abbatis seu sacerdotis qui cummissus fuerat, recipiatur in patria sua, et satisfaciat amicis ejus quem occiderat, et vicem pietatis et obedientiæ reddat patri aut matri ejus, si adhuc in corpore sunt, et dicat: Ecce ego pro filio vestro quecunque dixeritis mihi faciam. Si autem non satis egerit, non recipiatur in eternum.

§ 25.

Si quis clericus furtum semel aut bis, *i. e.* furatus est ovem proximi sui aut suem aut aliquod animal, annum integrum peniteat cum pane et aqua per mensuram et reddat quadruplum proximo suo.

§ 26.

Si autem non semel aut bis, sed in consuetudine longa fecerit, annis iii peniteat.

§ 27.

Si quis fuerit clericus diaconus aut alicujus gradus et laicus ante cum filiis et filiabus suis cleventella sua propria habitet et redeat ad carnale desiderium et genuerit filium

Pœnitentiale Columbani.

B. 1.

Si quis clericus homicidium fecerit et proximum suum occiderit, decem annis exul pœniteat. Post hos recipiatur in patriam, si bene egerit pœnitentiam in pane et aqua, testimonio comprobatus episcopi vel sacerdotis, cum quo pœnituit, et cui commissus fuit, ut satisfaciat parentibus ejus, quem occidit, vicem filii reddens et dicens: Quæcunque vultis faciam vobis. Si autem non satisfecerit parentibus illius, numquam recipiatur in patriam, sed more Cain vagus et profugus sit super terram.

B. 7.

Si quis clericus furtum fecerit, id est bovem aut equum aut ovem aut aliquod animal proximi sui furatus fuerit, si semel aut bis fecit reddat proximo suo primum et anno integro in pane et aqua pœniteat. Si hoc consuevit et reddere non potuerit, tribus annis pœniteat cum pane et aqua.

B. 8.

Si quis autem clericus aut diaconus vel alicujus gradus, qui laicus fuit in sæculo cum filiis et filiabus, post conversionem suam iterum suam cognoverit clientelam, et filium

Pœnitentiale Vinniai.

ex cleventella sua vel dicat, sciat se ruina maxima cecidisse non minus peccatum ejus ut esset clericus ex juventute sua et cum puella aliena peccasset, quia post votum suum peccaverunt et post consecrati sunt a Deo et tunc votum suum irritum fecerunt, tribus annis peniteat cum pane et aqua per mensuram et tribus aliis abstineat se a vino et a carnibus, et non ambo sed separatim, et tunc in anno septimo junguntur, et suum gradum recipiant.

Pœnitentiale Columbani.

iterum de ea genuerit, sciat se adulterium perpetrasse et non minus peccasse, quam si ab juventute sua clericus fuisset et cum puella aliena peccasset, quia post votum suum peccavit, postquam se Domino consecravit, et votum suum irritum fecit; idcirco similiter septem annis in pane et aqua pœniteat.

[*Bishops whose consciences were known to S. Columbanus.*]

S. Columbanus (*c.* A.D. 543–615).

[Migne, *P. L.*, LXXX. 262.]

Epist. i. ad S. Gregorium Papam.

Cæterum de episcopis illis quid judicas, interrogo, qui contra canones ordinantur, id est, quæstu: simoniacos et Giltas auctor pestes scripsistis. Nunquid cum illis communicandum est? Quia, quod gravius est, multi in hac provincia tales esse noscuntur: aut de aliis, qui in diaconatu violati, postea ad episcoporum gradum eliguntur? Sunt enim quorum in his novimus conscientias, et cum nostra parvitate id conferentes, certum scire volebant, si sine periculo post hoc possint, id est, aut post gradum solidis emptum, aut post in diaconatu adulterium: absconsum tamen dico cum clientelis adulterium: quod apud nostros magistros non minoris censetur esse facinoris.

[*Different disorders need different remedies. Some things here propounded from the traditions of elders, some from our own insight.*]

Pœnitentiale Columbani.

C. xii. B. [Wasserschleben, *Bussordnungen*, 355.]

Diversitas culparum diversitatem facit pœnitentiarum; nam et corporum medici diversis medicamenta generibus componunt. Aliter enim vulnera, aliter morbos, aliter tumores, aliter livores, aliter putredines, aliter caligines, aliter confractiones, aliter combustiones curant. Ita igitur etiam spirituales medici diversis curationum generibus animarum vulnera, morbos, culpas, dolores, ægritudines, infirmitates sanare debent. Sed quia hæc paucorum sunt, ad parum scilicet cuncta cognoscere, curare, ad integrum

S. Columbanus.

salutis statum debilia revocare, vel pauca juxta seniorum traditiones, et juxta nostram ex parte intelligentiam, ex parte namque prophetamus et ex parte cognoscimus, aliqua proponamus.

[*A layman guilty of adulterous desires to confess to a priest and fast forty days.*]

C. xxiii. [Wasserschleben, *Bussordnungen*, 359.]

Si quis laicus adulterare voluerit aut fornicare cum sponsa et concupierit mulierem proximi sui et non fecerit, id est non potuerit, quia mulier eum non suscepit, tamen ille paratus fuit ad fornicandum, confiteatur culpam suam sacerdoti, et ita quadraginta diebus in pane et aqua pœniteat.

[*For communion with the Bonosiaci public penance and solemn reconciliation by the bishop are enjoined.*]

B. c. xxv. [Wasserschleben, *Bussordnungen*, 359.]

Si quis laicus per ignorantiam cum Bonosiacis aut ceteris hæreticis communicaverit, stet inter catechumenos, id est ab aliis separatus christianis xl diebus et duabus aliis quadragesimis in extremo christianorum ordine, id est, inter pœnitentes, insanæ communionis culpam diluat. Si vero per contemptum hoc fecerit, id est postquam denunciatum illi fuerat a sacerdote ac prohibitum, ne se communione sinistræ partis macularet, anno integro pœniteat et tribus quadragesimis et duobus aliis annis abstineat se a vino et carnibus, et ita post manus impositionem catholici episcopi altario jungatur.

[*Confession before mass important when the heart is not pure.*]

C. xxx. [Wasserschleben, *Bussordnungen*, 360.]

Confessiones autem dari diligentius præcipitur, maxime de commotionibus animi, antequam ad missam eatur, ne forte quis accedat indignus ad altare, id est si cor mundum non habuerit. Melius est enim expectare, donec cor sanum fuerit et alienum a scandalo ac invidia fuerit, quam accedere audacter ad judicium tribunalis, tribunal enim Christi altare, et corpus suum inibi cum sanguine judicat indignos accedentes. Sicuti ergo a peccatis capitalibus cavendum est, antequam communicandum sit, ita etiam ab incertioribus vitiis et morbis languentis animæ abstinendum est ac abstergendum ante veræ pacis conjunctionem et æternæ salutis compaginem.

S. Columbanus.

[*Confession to be made not only of capital sins but of all. Confession and penance liberate from death.*]

Regula cœnobialis.

[Migne, *P. L.*, LXXX. 216.]

Diversitas culparum diversitatis pœnitentiæ medicamento sanari debet. Itaque, fratres, hujusmodi statutum est a sanctis patribus, ut demus confessionem de omnibus, non solum capitalibus criminibus, sed etiam de majoribus negligentiis: quia confessio et pœnitentia de morte liberat. Ergo nec ipsa parva a confessione sunt negligenda peccata: quia, ut scriptum est, *Qui parva negligit, paulatim defluit:* ut detur confessio ante mensam, ante introitum lectulorum, vel cuicunque fuerit facile dare.

[*Columbanus begins to desire to go forth in pilgrimage.*]

Jonas, abbas Elnonensis (*c.* A.D. 600–690).

[Migne, *P. L.*, LXXXVII. 1016.]

§ 9. *S. Columbani Vita.*

Peractis itaque annorum multorum in monasterio circulis, cœpit peregrinationem desiderare, memor illius Dominici imperii ad Abraham, *Exi de terra tua, et de cognatione tua, et de domo patris tui, et vade in terram quam tibi monstravero.*

[*In Gaul the Christian faith remained, but not the remedies of penance.*]

§ 11. [Migne, *P. L.*, LXXXVII. 1017.]

A Britannicis ergo finibus progressi, ad Gallias, ubi tunc vel ob frequentiam hostium externorum, vel ob negligentiam præsulum, religionis virtus pene abolita habebatur, tendunt. Fides tantum manebat Christiana, nam pœnitentiæ medicamenta, et mortificationis amor vix vel paucis in illis reperiebantur locis. Agebat venerandus vir ut per quæcunque loca progrederetur verbum evangelicum annuntiaret.

[*The people resort to the monastery of S. Columbanus for the medicaments of penance.*]

§ 17. [Migne, *P. L.*, LXXXVII. 1022.]

Quod B. Columbanus cernens, undique ad pœnitentiæ medicamenta plebes concurrere, et unius cœnobii septa tantam conversantium cohortem absque difficultate non tenere, quamvimente una et corde uno, tamen conversationi tantæ multitudini incongruum, alium experimento locum quærit.

Jonas, abbas Elnonensis.

[*Influence of S. Eustasius. He induces many persons of the neighbouring populations to accept the* medicaments of penance. *Bishops of his training.*]

[Migne, *P. L.*, LXXXVII. 1048.]

S. Eustasii vita.

Deinde perveniens ad supradictum cœnobium (Resbacense), ibi tam plebem interius quam vicinos populos ad Christianum vigorem excitare studuit: multosque eorum ad pœnitentiæ medicamenta pertraxit: fuitque ejus studii, ut multos sua facundia erudiret. Nam multi eorum post ecclesiarum præsules extiterunt, Chagnoaldus Lugduni Clavati,[1] Acharius Viromandorum et Noviomensis ac Tornacensis episcopus, Ragnacharius Augustanæ et Basileæ, Audomarus Boloniæ et Tervanensis oppidi.

[*All sins of thought, word, and deed are to be confessed to the spiritual mother.*]

S. Donatus, bishop of Besançon (*c.* A.D. 592–651).

[Migne, *P. L.*, LXXXVII. 282.]

C. 23. *Regula ad Virgines.*

Qualiter ad confessionem omnibus diebus veniant. Inter cæteras regulæ observantias hoc magis super omnia tam juniores quam etiam seniores monemus sorores, ut assidue et indesinenti studio tam de cogitatu, quam etiam de verbo inutili, vel opere, seu aliqua commotione animi, confessio omnibus diebus, omnibus horis, omnibusque momentis semper donetur: et matri spirituali nihil occultetur, quia statutum est hoc a sanctis Patribus, ut detur confessio ante mensam, sive ante lectulorum introitum, aut quandocunque fuerit facile, quia confessio pœnitentiæ de morte liberat. Ergo nec ipsa parva a confessione sunt negligenda cogitata, quia scriptum est: *Qui parva negligit, paulatim defluit.*

[*Penance of use to all: agreed that the priests may indicate penance after confession.*]

Concilium Cabilonense (Chalon-sur-Saone, A.D. 639–654).

Can. 8. [*Monumenta Germaniæ, Concilia* I. 210.]

De pœnitentia vero peccatorum, quæ est medilla animæ, utilem omnibus hominibus esse censemus; et ut pœnitentibus a sacerdotibus data confessione indicatur pœnitentia, universitas sacerdotum nuscetur consentiré.

[1] Laon.

[*Universal influence exercised by Luxeuil in the Frankish territory.*]

Adso, abbas Dervensis (*c.* A.D. 968).

Vita S. Berchariі (*ob.* A.D. 684).

[Migne, *P. L.*, CXXXVII. 673.]

Audita igitur fama tanti nominis, viri religiosi illuc undecunque confluunt, se suosque liberos plurimi certatim imbuendos offerunt, illud ante omnia ducentes permaximum, si vel post longævam probantis injuriæ tolerantiam, quodammodo admitti mereantur in congregationem. Jam vero quis locus vel civitas non gaudeat, ex beati viri disciplina rectorem habere pontificem vel abbatem, cum constet ex hujus virtute magisterii pene totum Francorum orbem decretis regularibus fuisse primum decenter illustratum.

[*Fasts to be assigned to penitents. The priest to fast a week or two with the penitent. Penitence to be assigned immediately on confession. Only bishops and priests exercise this ministry. Yet on necessity a deacon may reconcile.*]

Pœnitentiale (pseudo-)Romanum.

[Wasserschleben, *Die Bussordnungen der abendländischen Kirche*, 360.]

Quomodo pœnitentes sint suscipiendi, judicandi, sive reconciliandi.

Quotiescunque christiani ad pœnitentiam accedunt, jejunia damus, et nos communicare cum eis debemus jejunio unam aut duas septimanas, aut quantum possumus, ut non dicatur nobis, quod Judæorum sacerdotibus dictum est a Domino Salvatore: Væ nobis legisperitis, qui adgravatis homines, etc.

. . . . . .

Ideoque et nos, si viderimus aliquem in peccatis jacentem, festinemus eum ad pœnitentiam per nostram doctrinam vocare. Et quotiescunque dederis consilium peccanti, da illi pœnitentiam statim, quantum debeat jejunare, et redimere peccata sua, ne forte obliviscaris, quantum eum oporteat pro suis peccatis jejunare, ita quod necesse sit, ut iterum exquiras ab eo peccata. Ille autem forsitan erubescet iterum peccata sua confiteri et iterum amplius judicari. Non enim omnes clerici hanc scripturam usurpare aut legere debent, qui inveniunt eam, nisi soli illi, quibus necesse est, hoc est presbyteri. Sicut enim sacrificium offerre non debent nisi episcopi et presbyteri, quibus claves regni cœlorum traditæ sunt, sic nec judicia ista alii usurpare debent. Si autem necessitas evenerit, et presbyter non fuerit præsens, suscipiat diaconus pœnitentem ad satisfactionem vel sanctam communionem.

[*When any person comes to make his confession the priest is to bid him wait while he retires to say a prayer privately.*]

Cum ergo venerit aliquis ad sacerdotem confiteri peccata sua, mandet ei sacerdos, ut expectet modicum, donec intret in cubi-

Pœnitentiale (pseudo-)Romanum.

culum suum ad orationem. Si autem cubiculum non habuerit, tamen sacerdos in corde suo dicat hanc orationem.

Oremus.

Domine Deus omnipotens, propitius esto mihi peccatori, ut condigne possim Tibi gratias agere, qui me indignum propter Tuam misericordiam ministrum fecisti officii sacerdotalis, et me exiguum humilemque mediatorem constituisti ad orandum et intercedendum ad Dominum nostrum Jesum Christum pro peccantibus, et ad pœnitentiam revertentibus. Ideoque Dominator Domine, Qui omnes homines vis salvos fieri et ad agnitionem veritatis venire, Qui non vis mortem peccatoris, sed ut convertatur et vivat, suscipe orationem meam, quam fundo ante conspectum clementiæ Tuæ pro famulis atque famulabus Tuis, qui ad pœnitentiam venerunt. Per Dominum nostrum.

[*The grief of the priest will assist the penitence of the sinner. Every earnest penitent to be received. The penance to be fasting. It is good to render voluntary penance in addition.*]

Videns autem ille qui ad pœnitentiam venit, sacerdotem tristem et lacrymantem pro suis facinoribus, magis ipse in timore Dei perculsus amplius tristatur et exhorrescit peccata sua. Et unumquemque hominem accedentem ad pœnitentiam, si videris acriter et assidue stare in pœnitentia, suscipe illum. Qui vero potest jejunare quod impositum est ei, noli prohibere, sed permitte. Magis enim laudandi sunt, qui celeriter debitum pondus persolvere festinant, quia jejunium debitum est. Et sic date mandatum his, qui pœnitentiam agunt, quia si jejunaverit et compleverit, quod illi mandatum est a sacerdote, purificabitur a peccatis. Quod si iterum ad pristinam consuetudinem vel peccatum reversus fuerit, sic est, quomodo canis, qui revertitur ad vomitum suum. Omnis itaque pœnitens non solum debet jejunare, quod illi mandatum est a sacerdote, verum etiam, postquam compleverit ea quæ illi jussa sunt, debet, quantum ipsi visum fuerit, jejunare sive tetradas, sive parasceuas. Si egerit ea, quæ illi sacerdos præceperit, peccata ejus dimittentur, si vero postea ex sua voluntate jejunaverit, mercedem sibi acquiret, et regnum cœlorum.

[*Saturday and Sunday not days of fasting. Excess to be avoided.*]

Qui ergo tota septimana jejunat pro peccatis suis, sabbato et dominica die manducet; et bibat quidquid ei appositum fuerit. Custodiat tamen se a crapula et ebrietate, quia luxuria de ebrietate nascitur. Ideo B. Paulus prohibuit dicens: Noli inebriari vino, in quo est luxuria, non, quia in vino est luxuria, sed in ebrietate.

Pœnitentiale (pseudo-)Romanum.

[*Where fasting is not practicable, a money commutation may be admitted.*]

Si quis forte non potuerit jejunare, et habuerit unde dare possit ad redimendum, si dives fuerit, pro septem hebdomadibus det solidos xx; si autem non habuerit tantum unde dare possit, det solidos x; si autem multum pauper fuerit, det solidos iii. Neminem vero conturbet, quia jussimus xx solidos dare, aut minus, quia si dives fuerit, facilius est illi dare solidos xx, quam pauperi solidos iii.

[*Application of such money payments. Servants to be leniently dealt with.*]

Sed unusquisque adtendat, cui dare debent, sive pro redemptione captivorum, sive super sanctum altare, sive pauperibus christianis erogandum. Et hoc scitote, fratres, ut dum venerint ad vos servi vel ancillæ, quærentes pœnitentiam, non eos gravetis, neque cogatis tantum jejunare, quantum divites, quia servi et ancillæ non sunt in sua potestate, ideoque medietatem pœnitentiæ illis imponite.

[*Office for giving penance.*]

Incipiunt orationes ad dandam pœnitentiam.

In primis dicat sacerdos psalmum xxxvii., *Domine, ne in furore tuo arguas me.* Et postea dicat, *Oremus*, et psalmum cii., *Benedic anima* usque *renovabitur.* Et iterum dicat, *Oremus* et psalmum l., *Miserere* usque *iniquitates meas dele.* Post hæc psalmum *Deus in nomine tuo*, et dicat, *Oremus.* Deinde psalmum, *Quid gloriaris* usque *videbunt justi*,[1] et dicat hanc orationem:

Oremus. Deus cujus indulgentia nemo non indiget . . .
Aliter. *Deus sub cujus oculis omne cor trepidat . . .*
Aliter. *Deus infinitæ misericordiæ veritatisque immensæ . . .*
Aliter. *Precor, Domine, clementiæ et misericordiæ tuæ majestatem.*[2]

[*Prayer at the imposition of hands.*]

Manus impositio.

Domine sancte, pater omnipotens, æterne Deus, qui per Jesum Christum filium tuum Dominum nostrum vulnera nostra curare dignatus es, te supplices rogamus et petimus nos humiles tui sacerdotes, ut precibus nostris aurem tuæ pietatis inclinare digneris remittasque omnia crimina, et peccata universa condones, desque huic famulo tuo pro suppliciis veniam, pro mœrore lætitiam, pro morte vitam, ut de tua misericordia confidens pervenire mereatur ad vitam æternam. *Per Dominum.*

[1] In the Gelasian Sacramentary the Psalms prescribed are vi. cii. l.
[2] In the Gelasian Sacramentary the prayer *Precor Domine* is among the prayers *super pœnitentes.*

Pœnitentiale (pseudo-)Romanum.

[*Some penances.*]

C. I. § 1. [Wasserschleben, *Bussordnungen*, 364 *sqq.*]

Si quis clericus homicidium fecerit, x annos pœniteat, iii ex his in pane et aqua.

§ 2.

Si laicus, iii annos pœniteat, unum ex his in pane et aqua, subdiaconus vi, diaconus vii, presbyter x, episcopus xii.

C. II. § 9.

Si quis de alterius uxore filium genuerit, id est adulterium commiserit, ac torum proximi sui violaverit, iii annos pœniteat, abstineat se a cibis succulentioribus, et a propria uxore, dans insuper pretium pudicitiæ marito uxoris violatæ.

C. III. § 8.

Si quis coactus pro qualibet necessitate aut nesciens perjuraverit, iii annos pœniteat, unum in pane et aqua, et animam pro se reddat, id est, servum vel ancillam de servitute absolvat, et eleemosynas multas faciat.

[*Office for reconciliation.*]

De reconciliatione pœnitentis in quartaferia ante pascha.

Inprimis dicit psalmum l. cum antiphona *Cor mundum.*

Oratio. Deus humani generis benignissime conditor, et misericordissime reformator[1] . . .

Alia. Omnipotens sempiterne Deus, confitenti tibi[1] huic famulo tuo[1] . . .

Alia. Omnipotens et misericors Deus, qui[1] peccatorum indulgentiam in confessione . . .

Oratio super infirmum.

Deus, qui famulo tuo Ezechiæ ter quinos annos ad vitam donasti, et famulum tuum a lecto ægritudinis tua magnitudo erigat ad salutem. Per Dominum nostrum Jesum Christum.

[*Some penances.*]

Pœnitentiale Parisiense.

C. i. [Wasserschleben, *Bussordnungen*, 412 *sqq.*]

Si quis vero humicidium casu fecerit, id est non volens, vii annos pœniteat, iii ex ipsis in pane et aqua.

C. xi.

Si quis clericus vel uxor sua infantem oppresserint, iii annos pœniteant, i ex his i. p. e. a.

[1] These three prayers are from the Gelasian Sacramentary. See above, p. 378.

Pœnitentiale Parisiense.

C. xviii.

Si quis autem per iram percusserit et sanguinem fuderit, xl diebus pœn., diaconus vi menses, presbyter annum i. p. e. a.

C. xxvii.

Si qua mulier aborsum fecerit voluntarie, iii ann. pœn. c. p. e. a.

[*Some penances.*]

Pœnitentiale Bobiense.

C. 1. [Wasserschleben, *Bussordnungen*, 407 *sqq.*]

Si quis clericus homicidium fecerit, et proximum suum occiderit, x annos exsol pœniteat. Post hos recipiatur in patriam cui commisit, satisfaciat parentibus ejus quem occidit.

C. 2.

Si quis ruina maxima ceciderit, et filium genuerit, vii annos pœniteat.

C. 4.

Si quis vero homicidium casu fecerit, non volens, v annos pœniteat, tres in pane et aqua.

C. 18.

Si quis clericus aut uxor sua, vel cujuscumque infantem oppresserit, tres annos pœniteat, unum in pane.

C. 36.

Si quis servum vel qualemcumque hominem in captivitatem duxerit, tres annos pœniteat, unum in pane.

II. The Keltic System

Of the so-called Synods of S. Patrick, the canons of the "First Synod of S. Patrick" are pronounced by Haddan and Stubbs to be not earlier in date than A.D. 716. They will not therefore be considered here. The canons attributed to a "Second Synod of S. Patrick," though hardly S. Patrick's, are stated by the same authority to be certainly Irish, and probably of early date (? *c.* A.D. 475). In the third of these canons, *Of penance after fall* (*ruinam*), it is decreed that the abbat see to whom the power of binding and loosing be applied (*attribuetur*).[1] If the penance be with weeping and lamentation and sad attire in confinement, it may be shortened and tempered. This looks somewhat like the public penance of continental Christendom; formal lamentation, a special garb, and confinement presumably in a monastery. It is not clear whether the penitential exercises do or do not find any place in the public services of the Church. There is no hint of any public reconciliation by the bishop.

The "Second Synod of S. Patrick."

The writings of Gildas give an insight into Wales and the British Church when the Saxon conquest of what is now England was still in progress. Gildas is said to have been born in the year of the battle of Mount Badon, A.D. 516, and to have died A.D. 570. His writings are conjecturally assigned to about A.D. 560. The *Præfatio de Penitentia* is perhaps best understood to be not the creation of fresh discipline, but a record of the discipline in force in the British church in the first half of the sixth century. The discipline itself would thus ante-date the *Penitential* of S. Finian, though the *Præfatio* of Gildas may not. If so the *Præfatio* may be taken as recording the earliest discipline known of the type which it presents, a type of monastic origin and primarily of monastic scope, in which the penances assigned are of domestic or private character without public counterparts in the solemn Liturgy of the Church, and in which there is no recognition of solemn or public reconciliation by the bishop.

Gildas.

Præfatio de Penitentia.

Discipline of British church in sixth century.

[1] Haddan and Stubbs, *Councils and Ecclesiastical Documents*, II. ii. 333.

A monastic code, but for monks covers all Church action.

The *Præfatio de Penitentia* consists of twenty-seven clauses indicating penances for particular offences. It is a purely monastic code, having no relation so far as appears to persons not under monastic obligations, or in some way connected with the monastery. As, however, the *Præfatio* deals with the mortal offences of such persons, and provides not only for penance but for reconciliation, it covers for them the whole ground of Church action.

Thus clause 1 deals with the offence of fornication on the part of a priest or deacon who is under monastic vows. He is to do penance for three years. The penance is indicated in some detail. The penitent is to plead for pardon hourly (*omni hora*), and to make a special effort (*superpositionem*) every week except in the fifty days following the Passion. This was probably the *superpositio jejunii*, a rigid fast for a whole day. The food throughout the time of penance is to be of the barest. The bed is not to be made with much hay. The penitent is all the time to practise penitence of the heart, and to render the readiest obedience. After a year and a half he may receive the Eucharist and "come to peace." Clause 2 deals with the same sins in monks of inferior grade, who have somewhat easier terms. Clause 3 provides that a priest or deacon not under monastic vows shall have the same penance as a monk of inferior grade. Clause 4 deals with a monk's sin of intention, for which is assigned a penance lasting a year and a half. The abbat here has discretion, and may reduce the term, if he is satisfied with the obedience of the offender. Clause 5 records that "the ancient fathers decreed twelve years of penance for a priest, and seven for a deacon." [1]

With regard to the provisions of Gildas generally it may be noted (1) that they record the penances of the "ancient fathers" as having covered longer terms than those now assigned, (2) that they assign penances, which, unlike those of the ancient fathers, can be carried out entirely in private, and do not, so far as appears, enter into the public solemnities of the Church at all, and (3) that reconciliation is indicated as the reception of communion after the lapse of a determinate period, without any mention of a public (or other) service of reconciliation.

Confession pre-supposed.

There is in this penitential no direct mention of the confession of sins, but it is evidently presupposed. In some cases, as in the case of the monk who has sinned in intention, the sin could only be known by confession. It will probably be right to understand that the monastic rule required confession. The discretion of the abbat in the case of sins of intention may perhaps be taken to indicate that the abbat received at least ordinary monastic confessions.

Notice may next be taken of the documents bearing the name

[1] Haddan and Stubbs, *Councils and Ecclesiastical Documents*, I. 113.

of S. David. They are (1, 2) the proceedings of the two synods of S. David, and (3) the *Liber Davidis*. S. David held a synod at Llandewi-Brefi shortly before A.D. 569, and another at Lucus Victoriæ in A.D. 569. The records of these two synods which have been preserved are, in fact, brief penitentials; one of seven, the other of nine clauses. These records are given by Haddan and Stubbs from a manuscript preserved in the north of France, doubtless through Brittany.[1] Grave sins are dealt with, and penances assigned which extend over periods of years. The provisions do not appear to have been intended, at least in the first instance, for the Christian public generally, but for the members of monastic communities. In the ninth section of the proceedings of the synod at Lucus Victoriæ it is stated that all the penances thus assigned are reckoned for persons who had undertaken monastic vows. For others the penalties were to be less. The first of the enactments of the synod at Llandewi-Brefi lays down that in the case of certain sins of impurity (*cum muliere vel cum viro peccans*) the offender is to be expelled from his monastery and to live in a community in another region (*alterius patriæ cœnubio*), and there if he have confessed to perform penance in confinement for three years.

Synods of S. David. *Llandewi-Brefi.*

Lucus Victoriæ.

The *Excerpta* from the *Liber Davidis* which have been preserved extend to eighteen clauses, and thus constitute a longer penitential than is provided by the fragmentary enactments of the two synods.[2] The complete book from which the *Excerpta* are taken must have been longer still.

Excerpta quædam de Libro Davidis.

The *Liber Davidis* does not appear to be mainly intended for persons under monastic vows, as is the case with the synodical decisions. It deals with ecclesiastical persons and some others. Thus the eleventh clause deals with the capital sins of fornication and of murder on the part of a priest, a deacon, a sub-deacon, a virgin, or any other person. The penance is to cover three years. During the first year the penitent is to sleep lying on the ground only; in the second he may take a stone for a pillow; in the third he may sleep on a plank. Some alternative penances are admitted.

Not mainly for monks.

In none of the penances indicated in the proceedings of the synods of S. David, or in the *Liber Davidis*, is there any mention of a public profession or exhibition of penance which finds place at the gatherings of the faithful for the solemn Liturgy of the Church. Penance is in Britain a private exercise. Also in none of these documents is there any reference to a public reconciliation by the bishop or otherwise.

No public penance, or public reconciliation.

What was the character of the confessions noticed in the synodical proceedings? In referring above to continental rules of monasticism a distinction was drawn between monastic con-

The confessions made.

[1] Haddan and Stubbs, *Councils and Ecclesiastical Documents*, I. 117.
[2] *Ibid.*, I. 119.

fession as a devotional habit or discipline, and the confession which preceded or formed part of the penance for reconciliation. In S. David's synods, though the subjects of penance mainly contemplated are persons under monastic obligation, the confession referred to does not seem to be so much the confession of rule as the special confession of grave sins with a view to reconciliation.

The mission of S. David, S. Gildas, and S. Cadoc to Ireland.

At this point may be noticed an incident which Haddan and Stubbs regard as of genuine occurrence. Somewhere between A.D. 544 and A.D. 565, or at any rate shortly after the latter date, a mission to Ireland was undertaken by certain leaders of the British church, with a view to the restoration of the faith and discipline of the Irish church, which since the days of S. Patrick had fallen low.[1] This mission appears to have been undertaken under the auspices of S. David, S. Gildas, and S. Cadoc. It is highly interesting as showing (1) that at this time there was intimate connexion between the Welsh and Irish churches, and (2) that the Welsh church was the teacher rather than the taught. In a few years the monastic schools of Ireland would become alike for religion and for scholarship the very beacon light of all the more westerly Christendom. A conspicuous part in this great revival should be assigned to S. Finian, abbat of Clonard in County Meath, to whom reference will now be made.

The Pœnitentiale Vinniai.

In pursuing this investigation into the penitential records of the Keltic churches the next document for notice is the important *Pœnitentiale Vinniai*. It is difficult to give trustworthy dates, or certain incidents, in the history of S. Finian. The various existing lives are full of discrepancies and anachronisms. The saint appears to have been born in Ireland, and in early life to have visited Gaul, spending some time later with S. David in Wales, and finally returning to Ireland, where he founded the famous monastery and school of Clonard. This may have been about A.D. 530. As between various possible saints of the name of Finian, it is to S. Finian of Clonard that the authorship of the Penitential may most fitly be assigned, in view (1) of his commanding position at Clonard, (2) of his apprenticeship under S. David, and (3) of the lead which he gives to S. Columbanus, who was an alumnus of Clonard's daughter monastery of Bangor.

The lives of S. Finian show discrepancies.

Author S. Finian of Clonard.

Clonard a monastery of the Irish type.

Clonard (Cluain Iraird) was a monastery of the type which in the coming years was to be so famous. Monks, clerks, students, penitents, would all have their place in it. A recent writer draws

[1] The evidence is (*a*) the distinct assertion in the *Life of Gildas*, by the monk of Rhys, that the saint went to Ireland at the request of King Ainsmire to "restore ecclesiastical order," because the Irish "had lost the Catholic faith"; (*b*) the statement of Tirechanus in the *Catal. SS. Hibern.* (*c.* A.D. 750) that the second order of Irish saints, beginning A.D. 544, received their *Order of Mass* from David, Cadoc, and Gildas; and (*c*) the legends of the Irish saints.

a picture of the monastic school of Clonard. "Here no less than 3000 students are said to have received instruction at the same time. Such a monastery consisted of countless tiny huts of wattles and clay (or, where stone was plentiful, of beehive cells) built by the pupils, and enclosed by a fosse, or trench, like a permanent military encampment. The pupils sowed their own corn, fished in the streams, and milked their own cows. Instruction was probably given in the open air." [1] Mr. Quiggan may be mistaken in reckoning the 3000 inmates of the records as all students, as doubtless others are mistaken in counting them all as monks.

Besides monks there are clerks, students, penitents.

The inmates of an Irish monastery who were not themselves under the stricter monastic obligations are a feature of the institution which in the present inquiry may repay notice. First, there were those whose object was training for clerical office, and with them those who sought advancement in the higher education of the day. These would no doubt be largely, though not altogether, the same persons. By coming within the system of the monastery they came under its discipline; a discipline which did not perhaps demand from them the fulness of the monastic abnegation, but which was stern and rigorous enough.

At once monastery and university.

It was not one monastery only which combined the functions of a monastery with those of an university. Clonard became the fruitful mother of monasteries, all, as it would seem, of her own type; each at once a focus of spiritual life, and a school of the first learning of the day. Among the most famous were Moville (Co. Down), founded by another Finian *c.* A.D. 540; Clonmacnoise, founded by Kieran A.D. 541; Derry, founded by Columba A.D. 546; Clonfert, founded by Brendan A.D. 552; Bangor, founded in A.D. 558 by Comgall; Durrow, founded by Columba *c.* A.D. 553.[1]

Eminence of Irish scholarship in the sixth century.

The training in letters which the Irish monasteries afforded in the sixth century is not a little remarkable. At a period when the Greek language was no longer understood at Rome; when the Italian churchmen were warning the Christian student against the contamination of the Latin classics; and when S. Gregory was reproving a bishop for secularity in teaching the Latin grammar; Irish monks in sheepskins were teaching Homer and Virgil to eager throngs of students in the monastic schools of their far-off island in the Atlantic ocean.[2] Nor when they poured themselves upon the continent of Europe did the Irish monastic communities leave this feature behind. There is no more curious incident in the life of S. Columbanus with all its stern asceticism

[1] E. C. Quiggan, Art. "Ireland, Early History," in *Encyclo. Britannica*, ed. xi.

[2] See Hauréau, *Singularités Historiques et Littéraires*, 1860, Art. "Écoles d'Irlande."

than the poem of pretty little Adonic verses which in his old age he addressed to his friend Fedolius.[1]

The Irish monasteries were thus schools as well as monasteries. Another class of persons, who came within the influence, and submitted to the guidance, of the monks, have now to be mentioned. These were repentant sinners, who sought penance and reconciliation. Of these some may be certainly presumed to have found admission during their time of penance within the monastic enclosure. In the *Penitential* of S. Columbanus to be presently considered the residence of the penitent within the monastery during a long term of penance was in certain cases enjoined. Not less certainly, however, others of the penitents dealt with in the *Penitential* of S. Finian must be relegated outside the monastery precincts. Thus in § 20 and § 45 the *Penitential* assigns terms of penance to women who have committed specified sins: and it appears to be clear that these would not have found a place within the monastery of the men.

Penitents.

Some are inmates; others not.

The question arises: What was the relation of the abbat of Clonard to all these persons, by virtue of which he assumed to control their penance, and to indicate their reconciliation? It will probably be right to understand that he was not dictating this code of observance for Christians generally or anywhere. He had, however, a sphere of influence, to use a modern phrase, within which no outside authority, episcopal or other, was sought or recognised.

Abbat supreme within his sphere.

First in order is the monastery itself with all its inmates—monastic, clerical, scholastic, penitential. Over all such an Irish abbat in the sixth century asserts a jurisdiction which is practically without limitation. Within the bounds of the monastery he reigns. There may be bishops outside; but within the monastery their authority is not known. There may be bishops inside; but within the monastery the abbat is over all persons and causes supreme.

Inmates.

Nor did the enclosure of the monastery mark the limit of the influence which it exercised. There were the folk of the countryside, who flocked for worship to the church which the monastery served, and who betook themselves to the religious for all their spiritual needs. There were the persons in need of help and

Exterus.

[1] *Ad Fedolium epistola*
Nam nova forsan
Esse videtur
Ista legenti
Formula versus.
Sed tamen illa
Trojugenarum
Inclyta vates
Nomine Sappho
Versibus istis
Dulce solebat
Edere carmen. (Migne, *P. L.*, LXXX. 292.)

advice, who found a kindly welcome when they came to the monastery, though it was no part of the work of the monastery to go to them. Of these a large proportion would be penitents. Over all such it would seem that an Irish abbat of the sixth century exercised penitential jurisdiction without let or hindrance, as without hesitation or scruple. S. Finian's code of penance is a code which takes the place for his penitents and for those of his disciples of all other ecclesiastical systems of penance. Provision is made for their admission to penance, and for the rigorous fulfilment of it: and it is decided at what point they shall find reconciliation by admission to the sacrament of the altar. The outstanding significance of the Keltic monastic systems of Penance for the student of the history of Penance is that whereas on the continent of Europe the rule throughout the West is public penance and public reconciliation, in the Keltic procedure the public character has been taken away from penance and reconciliation alike. The change is of momentous importance. It marks the beginnings of the modern revolution in penitential procedure.

A private system.

A glance at the *Penitential* of S. Finian will suffice to show that while it is much fuller in extent than the fragmentary provisions of Gildas or S. David, it is far from possessing the codified completeness of the later penitentials of the Anglo-Saxon Church, notably the *Penitential of Theodore*. In the concluding paragraph of the *Penitential* the saint, addressing his brethren as "most beloved," tells them that impelled by his care for them he has written these brief sections concerning the remedies of penance. He humbly remarks that in so writing he has made an effort which exceeds his "possibility and power." His authorities he specifies as the "judgment of the scriptures," and "the opinion of some very learned men." These are probably the British teachers, as S. David and S. Gildas. Some matters he has omitted for the sake of brevity or by reason of inadequate capacity. He would gladly follow another writer who should set forth a better code. He has adapted his little work to those who were the sons of his bowels by reason of affection or religion. This may be a distinction between the monastic and the non-monastic elements in his wide family.[1]

Incomplete character of the *Penitentiale Vinniai*.

The saint's statement as to the *Penitential*.

The offences dealt with by the *Penitential* of S. Finian range from a sin of thought immediately repented of (§ 1) to the case of a clerk who has practised concubinage and put to death a child which was the issue of his sin (§ 12). It will probably be right to understand that all the cases dealt with were cases of real occurrence, and that some at least of the persons at fault were actually performing or had performed their penance within the bounds of the monastery of Clonard.

Its provisions.

It will not be necessary to examine in detail all the provisions

[1] Wasserschleben, *Die Bussordnungen der abendländischen Kirche*, p. 119.

either of this penitential or of the penitential of S. Columbanus.

Provisions of S. Finian and S. Columbanus compared.

A certain number of the sections of the penitential of S. Finian which were afterwards employed by S. Columbanus in the compilation of his penitential are given above side by side with the sections of S. Columbanus. This presentation will be of service in indicating the considerable extent to which S. Columbanus in his system of penance is a disciple of S. Finian: but it may here serve no less to show in some detail the character of the penitential provisions, which are thus first published with the authority of S. Finian.

Various penances.

A clerk who had struck his brother in a quarrel and shed his blood, but without killing him, is to do penance for a whole year on bread and water. He is to use lamentation and tears, and not to exercise his clerical office (§ 8). Doing penance is the same thing as a rigid fast. The penance seems to find no place in the public Liturgy. If the offender be a layman, forty days of penance and a money satisfaction are assigned (§ 9). For habitual incontinence which is not notorious a clerk is to do penance for three years with bread and water, and for another three years without meat or wine, again not exercising his clerical office (§ 11). A clerk who has been incontinent, and has put to death the child which is the issue of his incontinence, is to do penance for three years with only an allowance of bread and water; is to beseech the mercy of God with weeping and tears and with prayers day and night if so be he may find remission of his crimes; and for three years more he is to abstain from meat and wine, keeping the Lents of these years with bread and water (§ 12). He is not to exercise his ministry. He is to live in exile till he has completed the term of seven years. He may at last be restored to his office by the judgment of the bishop or of the priest. The "judgment of the bishop or of the priest" is a phrase which calls for notice. The abbat does not assume to restore a clerk to the exercise of his office. It may perhaps be understood that the abbat does indicate when the penitent clerk is to be reconciled. Except for this passage the only other mention of a priest in the penitential of S. Finian is the provision which requires the assent of the abbat *or* priest to the reception after ten years of a clerk who has slain his neighbour (§ 23). The penitential of S. Columbanus makes much more mention of the sacerdotal office. For sins of desire not attaining fulfilment a penance of forty days in bread and water is assigned (§ 17). For the employment of *maleficium*, sorcery or charms for purposes of injury, six years of penance, of which the first three in bread and water (§ 18). For a love potion one year's penance on an allowance of bread and water (§ 19). Of a perjury it is said that it is a great crime which can be redeemed but hardly if at all, but that the mercy of God is great. The penance is (1) never to swear again while life lasts, (2) to do penance for

seven years, and (3) to free his bondwoman or bondman, or to give the proceeds of the sale of such servant to the poor or needy (§ 22). Habitual theft requires three years' penance (§ 26). A clerk who as a layman has had sons and daughters by his female servant, and who after assuming clerical office reverts to his cohabitation, is to do penance on an allowance of bread and water for three years, to abstain from wine and flesh for three years more, and to be admitted to reconciliation in the seventh year (§ 27).[1]

S. Finian's system:

It is unnecessary to specify the provisions of S. Finian's penitential in further detail. The features of it which stand out in contrast to the practice of continental Christendom are seen to be these.

(1) Penance not public.

(1) *Penance has not the public character.*

There is no provision by which the penitent has any place assigned in the public Liturgy of the Church. There is before the Church as such no exhibition of penitential garb or public humiliation. There is accordingly no formal admission to the condition of a penitent. Confession appears to be presupposed: and it is followed by the assignment of a specific penance. But the penance begins and ends with the prescribed exercises, which the penitent may perform in private. Penance usually means fasting on bread and water, which may be made more rigorous by limitation to an allowance, or after a term of fulfilment may be relaxed to abstinence from meat and wine.

(2) Reconciliation not public,

(2) *Reconciliation has not the public character.*

In the penitential of S. Finian after the specified term of penance has been fulfilled, the person is to be thereupon "reconciled to the altar" (*altario reconciliatur*, § 6), or "joined to the altar" (*jungatur altario*, §§ 15, 21, 35), or "restored to the altar" (*restituatur altario*, § 14), or is to "enter to the altar" (*intrandum ad altare*, § 53). It is expressly ruled that this reconciliation may not take place till the penance has been fulfilled (§ 53). It would seem, however, that when the penance has been fulfilled there is no public ceremony or pronouncement of any kind to mark the reconciliation. The person proceeds to make his communion. He "enters" to the altar; and his entry is not barred.

(3) and not by bishop.

(3) *Reconciliation is not effected by the bishop.*

It has been seen that there was a general agreement among the churches of Western Christendom, whether on the continent of Europe, or on the North African seaboard, that the ordinary minister of the public reconciliation was the bishop; the priest being authorised to reconcile in cases of grave sickness, or other emergency. In the Irish system, as there is no public reconciliation, so there is no exercise of such reconciliation by the bishop.

[1] Wasserschleben, *Die Bussordnungen der abendländischen Kirche*, pp. 108–114.

Priest not much in evidence.

But also it has to be noticed that the priest is very little in evidence in the reconciliations of S. Finian's penitential. When the penitential of S. Columbanus comes to be considered, the office of the priest is clearly in evidence again and again. This is not so with the penitential of S. Finian. If the abbat was a priest, as he more usually would be; and the abbat, or any other priest on his behalf, heard the confessions and assigned the penances, pronouncing at what point the reconciliation should take effect; it would appear that the Divine commission to bind and loose was adequately exercised by a priest. But there is no indication that any ceremony, or any form of absolving words, was used by any priest at the point of time when, the penance having been accomplished, the penitent proceeded to make his communion.

Penitential of S. Columbanus.

The *Penitential of Columbanus* may next call for attention. It has been noticed that among the daughter monasteries of Clonard was that of the Irish Bangor in County Down, founded *c.* A.D. 558 by S. Comgall. In this monastery was trained the illustrious Columbanus. The saint, who was born in Leinster in A.D. 543, and who in his adolescence left his home on the advice of a holy woman to avoid the entanglements of sex, had thereupon attached himself for instruction and training to a certain venerable man named Silenis.[1] After a time he went on to Bangor, and became a monk under S. Comgall. When in this monastery he had accomplished the "circles of many years," "he began to desire pilgrimage, mindful of that command of GOD to Abraham, 'Get thee out of thy country, and from thy kindred and from thy father's house, unto a land that I will show thee.'"[2] This impulse on the part of Columbanus was for a time resisted by S. Comgall: but he at last consented, and made up a party who should set forth on a new enterprise. Columbanus was accompanied by twelve other monks, and together they made their way first to Britain and then to Gaul. Of Gaul it is said by Jonas of Elno, who is the authority for the life of S. Columbanus, that at that time the virtue of religion (*religionis virtus*) was there all but abolished (*pene abolita*), whether on account of the multitude of foreign foes, or of the negligence of those in authority. "Only the Christian faith remained, for the medicaments of penance, and the love of mortification were found hardly or but with few in those localities."[3]

The saint's training,

and departure from Ireland.

The motive is mortification

It will be noted in this narrative that the missionary motive hardly appears. In fact the conversion of the heathen seems

[1] Or Senile (Lanigan, ii. 261). [2] Jonas, *Vita Columbani*, § 9.

[3] As regards the significance of the phrases employed here by Jonas, the *virtue of religion* is best understood of monasticism; and the *medicaments of penance* of penance as Jonas understood it, that is to say, as it was administered by Columbanus. There is probably no reference intended to the ancient system of public penance.

hardly to have entered the purview of the Irish monks who at this period began to overrun the Christian communities of continental Europe. When as in the case of S. Gall it came to them it came as the result of circumstances. They were monks, and the going forth into an unknown land seemed to them desirable in the first instance as being a further grade of mortification. It was indeed so regarded generally. Exile characterised the penances assigned in the penitential of S. Columbanus to the two heinous sins of murder and perjury. Absence from the home of his birth had been the saint's early remedy against temptation. It was now his louder call to leave his kindred and his father's house to go into a land which GOD would show him. But it is not a little remarkable that, when he does set forth, he passes the multitude of Saxon pagans at this time to be found in Britain; he is not drawn across the narrow seas by the idolatries of Frisia; but he deliberately makes his way in a south-easterly direction to found a home in a Christian country. It was indeed a country where the Christian faith seemed no longer to show forth clearly the fruits of Christian living: but it was a country of the baptized. The party finally settled at a spot near where the two kingdoms of Austrasia and Burgundy met, at Anagrai in the Vosges country. There Columbanus founded his first monastery. It was speedily crowded with inmates, and its foundation was shortly followed by that of a second monastery at Luxovium or Luxeuil, and of a third at Fontaines, both in the near neighbourhood. It was the community of Luxeuil which became the most famous, so that Montalembert has styled it "the monastic capital of the Gauls." [1]

rather than missionary zeal.

Anagrai,

Luxeuil, Fontaines.

These three monasteries, all of which remained under the immediate eye of S. Columbanus, who divided his time among them, were in their inception all monasteries of the purely Irish type. They had no connexion whatsoever with any continental monastic rule or with any continental system of monastic organisation. They recreated in the Vosges country the monastery of Bangor which S. Comgall ruled in what is now County Down, or the parent monastery of Clonard which S. Finian ruled in County Meath. They were each a white-hot focus of the spiritual life, which revived the Christian temper of the country round by the very drawing of its best within the monastery itself. As at Clonard there seem to have been various classes of inmates. There were the monks proper, aglow with the enthusiasm of the mortified life. There were the clerks and scholars who flocked to learn from men who possessed the best learning of the day.[2] There were penitents who desired an

These are monasteries of the Irish type;

and re produce the various classes of inmates.

[1] Montalembert, *Les moines d'Occident*, Livre vii. (*Ed.* Paris, 1860, II. 491).

[2] Among bishops trained at Luxeuil are named Donatus, Acharius, Ragnacharius, Chagnoaldus, Waldebertus, Bertulfus, Bobolanus, Amatus, Romaricus, Audomarus.

asylum wherein they might perform their penance, or who were required by the terms of the penance itself to perform it within monastic bounds.[1] Such would be the inmates of the monasteries. Also, as in Ireland, the influence which the monasteries exercised was by no means confined to the inmates. There would be the considerable number of persons who would be associated with such an institution for supply and service, however self-contained it might be. There would be the folk of the country-side who would avail themselves of the religious opportunities afforded them. There were the many well-meaning persons from the world without who sought counsel or penance from the religious. Columbanus, writing to S. Gregory, speaks of the bishops whose consciences were known to him.[2] Princes and nobles sought him. And it would seem that a stream of persons of every degree found their way to the portals of Luxeuil.

Columbanus exercises supreme jurisdiction.

It was, then, with such a clientela, at once within and without the monastery enclosure, that Columbanus had to deal: and he dealt with it as an Irish abbat was wont to deal. He would ask no outside authority: and he would not go outside. His is the "nation of the monks." Those who come to him accept his jurisdiction. And once within his bounds his jurisdiction goes unquestioned.

His further history.

The further history of S. Columbanus may here be glanced at. After twenty years of life and work at Luxeuil he was in A.D. 610 driven out of the kingdom in consequence of his attitude of hostility to the savage and worldly Brunhilda. After a series of adventures he founded another monastery at Bobbio in Lombardy in A.D. 613. It was doubtless of the same type as those in the Vosges country. Shortly afterwards in A.D. 615 he was taken to his rest.

Bobbio.

The two *Rules* and the *Penitential*.

S. Columbanus has left two *Rules*, a *Regula Monachorum* and a *Regula Cœnobialis*;[3] and besides these rules a *Penitential*. The *Regula Monachorum*, a fine setting forth of the guiding principles of the mortified life, is intended for subjects who are throughout styled *monachi*, monks. The *Regula Cœnobialis* is provided for persons who are not once styled monks, but always *fratres*. A group of *fratres* have a *præpositus*, and supreme over all is the *abbat*. The details of the *Regula Cœnobialis* are concerned neither with the great principles of the mortified life which occupy the *Regula Monachorum*, nor with the remedies of penance for grave sin with which the *Penitential* is concerned; but they regulate the working of the community life for those who have accepted it. The system of penalties for small faults is a system in which corporal punishment is conspicuous. Six strokes are administered

[1] e. g. *Pœnitentiale Columbani*, B. 20, "*usque ad mortem serviat Deo in monasterio*" (Jonas, *S. Eustasii Vita, P. L.* LXXXVII. 1048).

[2] *Ep. i. ad S. Gregorium Papam.*

[3] These two *Rules* are not infrequently muddled together. In Migne's edition the *Regula Cœnobialis* appears as cap. 10 of the *Regula Monachorum*.

for omission to say *Amen* after grace at table: and six for coughing at the beginning of a psalm. But these penalties have no significance in the present investigation. They might more suitably be compared with the methods of Eton or of Harrow not so very long ago.[1]

It is in the *Penitential* that S. Columbanus deals with penance for mortal sin: and with the reconciliation which may follow such penance.

The *Penitential* represents the Keltic system.

The first feature to emphasise in regard to the *Penitential* of S. Columbanus is that it is from start to finish the outcome of the Keltic monastic system; with the sole exception of § B. 25, to which reference will presently be made. Wasserschleben, whose authority on the Western penitentials is deservedly great, is hardly illuminating when he places this penitential in a group which he styles "Frankish." This he does because the penitential was undoubtedly put forth in its continental home; and in this respect resembles a group of penitentials which followed in the course of the next three or four centuries, and which were in several instances indebted to the work of Columbanus. But the fact of outstanding importance with respect to the *Penitential* of Columbanus is that while it corresponded to no existing practice to be found anywhere in force from former times on the continent of Europe, it reproduces all the main features of the peculiar system which has been seen at work in the Keltic churches. Apart from § B. 25, it knows nothing of the ancient procedure of public penance and public reconciliation. As in the British and Irish systems the penance and the reconciliation are alike private.

Its contents.

The *Penitential* of Columbanus is fuller than that of Finian, although it is far from attaining the fulness which a hundred years later is found in the penitential of Theodore. As it is now published it consists of two parts, which bear the impress of having been produced separately, and probably at different times. In details they are not entirely in accord, but they are at one in the general character of the system of penance employed. Part A. has twelve sections and Part B. thirty sections. Of these forty-two sections no less than sixteen are borrowed with some modification from the penitential of S. Finian; while in some others a clear connexion can be traced. Outside the leading of S. Finian the provisions of the penitential appear to be due to the experience or judgment of Columbanus himself. In his introductory section to Part A. the saint states that "those measures of penance are to be made known, of which the order is handed down by the holy fathers, that the length of penances

[1] Interesting monographs on the communities of S. Columbanus have been written by (1) A. Malnory, *Quid Luxovienses monachi discipuli Sancti Columbani ad regulam monasteriorum atque ad communem Ecclesiæ profectum contulerint* (Paris, 1894); and (2) L. Dédieu, *Colomban, législateur de la vie monastique* (Cahors, 1901).

may be determined in accordance with the magnitude of the faults." From the contents of the penitential it is clear that "the holy fathers" Columbanus had in mind were S. Finian and his predecessors in the Keltic system. In the introduction to Part B. Columbanus explains that he is putting forth some few provisions "in accordance with the traditions of the elders, and in part in accordance with our own understanding, inasmuch as we prophesy in part and know in part." The sources of the penitential may thus be taken to be S. Finian and S. Columbanus himself. Except in § B. 25 there is no trace of any connexion whatsoever with the systems or with the documents of continental Christendom.

Not confined to monastic persons.

The Penitential, like that of S. Finian, is not confined to monastic persons, but deals with the offences of Christians in general or in various classes. In Part A. the first eight sections are stated as if of general application (*si quis ; qui facit ;* etc.), but may refer only to inmates of the monastery. Sections 9 to 12 deal with irregularities of behaviour on the part of inmates, and are analogous to the discipline of the *Regula Cœnobialis*. In Part B. the first twelve sections deal with the offences of clerks and monks, while the remainder as far as § 25 are concerned with the offences of the laity. In § B. 18, where the offence is the overlying of an infant, the penance of a woman no less than that of a man is provided for. While, however, it is thus clear that the *Penitential* was never intended to apply only to the inmates of the monastery, there is nothing to show that it was intended for use in the world outside. It was a penitential for those who came for their penance to S. Columbanus and his brethren at Luxeuil or its sister houses. Such persons might be numerous, and representative of many classes and interests, but their penance was assigned them when they came to Luxeuil. So much may be reasonably assumed when it is remembered that Columbanus during his twenty years of abbacy was a monk who with his brethren practised a real retirement from the world. Nor is there any trace of the extension of the system during the lifetime of Columbanus to the Church at large.

Various penances.

The main features which were noticed in connexion with the penitential of S. Finian reappear in that of S. Columbanus. The penance assigned is commonly fasting on bread and water : [1] and when the expression *do penance* (*pœniteat*) is used without further indication [2] it is apparently this fasting on bread and water which is meant. For the sin of homicide,[3] and in some cases of perjury,[4] exile is added to long terms of fasting. The same is the case with clerical fornication which is notorious through the birth of a child.[5] In cases of perjury by a layman where the motive was cupidity the offender is "to sell all that he has,

[1] A. 2. [2] A. 3, 4, 5, 6, 7, 8. [3] B. 1. [4] B. 20. [5] B. 2.

and to give to the poor, and to be converted entirely to the Lord." He is "to be buffeted by the entire surrender of the world, and to serve GOD in a monastery till his death."[1] Here is an instance of a penitent who is required to become an inmate of a monastery. Another instance occurs in § A. 3, where it is enjoined that a person who has committed fornication once is to do penance as a monk for three years; if on many occasions, for seven years.

All these forms of penance are unlike the ancient penance in that they are privately exercised: that is to say, without any public part or recognition in the public services of the Church. They are privately exercised.

The reconciliation of the offender also had no public character. It is noticeable, however, that in the *Penitential of Columbanus* the office of the priest is much more in evidence than was the case in the *Penitential of Finian*. There is no mention of the priest in Part A.: but in Part B. the references to his office are frequent. In § B. 2 the clerk who after fornication has done penance on bread and water in exile for seven years "may then first be joined to the altar by the sentence of the priest." In § B. 13 the homicide after due satisfaction is similarly "to be joined to the altar by the sentence of the priest." In § B. 14 the adulterous layman after three years of penance, in which he abstains from the "more succulent" forms of food, and from cohabitation with his own wife, besides making a payment to the injured husband, may at length "be wiped clean of his fault by the priest." In § B. 15 after due penance the sinner's "offence is to be forgiven him, and let the priest pray for him, and so let him be joined to the altar." In § B. 18, after a year of penance for overlying a child, the offenders "are then first to be joined to the altar by the sentence of the priest." A curious provision in § B. 19 lays down that a layman guilty of theft may after two years of penance communicate, but that he is to give alms to the poor, and a feast (*epula*) to the priest who gives his sentence.[2] In § B. 23 a layman guilty of sins of disordered desire "is to confess his offence to the priest, and so to do penance on bread and water for forty days." Reconciliation also not public. The priest now more in evidence.

Thus in Part B. there is abundant reference to the office of the priest in reconciliation. It is private reconciliation without any expression in the public service of the Church. The reconciliation is first publicly recognised when the penitent approaches the altar for his communion and is permitted to receive it.

There remains for consideration the remarkable section in Part B. numbered 25 which stands out as entirely out of harmony with all the rest. It runs as follows:— § B. 25

> "If any layman shall through ignorance have communicated with the Bonosiaci or with other heretics, let him

[1] B. 20. [2] A curious parallel with Hindu practice.

stand among the catechumens, that is, separated from other Christians, for forty days, and for two other periods of forty days in the last rank of the Christians, that is, among the penitents, and so wash off the guilt of such insane communion. If, however, he shall have done it in contempt, that is, after it has been denounced and forbidden to him by the priest, that he should so stain himself by the communion of an evil faction, let him do penance for a whole year, and three periods of forty days; and for two other years let him abstain from wine and meat, and so after the imposition of the hand of the Catholic bishop let him be joined to the altar."

This provision stands entirely alone in the *Penitential of Columbanus* in three important features. (1) First, there is the prescription of public penance. The offender in one case is to stand first among the catechumens, a phrase which is explained as meaning in separation from all Christians (baptized persons); and afterwards in the lowest rank of the Christians, which is again explained as meaning among the penitents. (2) Next, the reconciliation indicated is also to have the public character. (3) Lastly, this public reconciliation is to be by the imposition of the hand of the Catholic bishop.

These three features, as has been seen in this inquiry, are precisely the three features in which the penitential procedure of continental Europe differed from that of the Keltic churches. It becomes a question of interest how this provision could have found its way into the *Penitential of Columbanus*.

It is remarkable that the penances here prescribed for heretical communion are primarily directed against the heresy of the Bonosiaci.[1] This obscure heresy was in the sixth and seventh centuries active in southern Gaul, but was unknown in the British islands. It had called for attention in the Council of Orleans in A.D. 538 (*c.* 31),[2] and also finds notice in the synod of Clichy of A.D. 627.[3] There were Bonosiaci among the converts of Eustasius, the successor of Columbanus at Luxeuil.[4] If it is understood that Columbanus himself introduced this § B. 25 into the *Penitential*, it appears to be most likely that he took the provisions of the section from the practice of the Gallic church which he found in force, and that as he cites his authority he explains what he understands the terms cited to mean; what is meant by a place "among the catechumens," and what by "the lowest rank of the Christians," phrases which corresponded to no practice at Luxeuil, and would there be hardly intelligible.

[1] For this heresy see the Article "Bonosus und Bonosianer" in Hauck's *Realencyklopädie* (Leipzig, 1897).

[2] Mansi, IX. 19.

[3] Friedrich, J., *Drei unedirte Concilien aus der Merovingerzeit*, 1867. *Monum. Germ. Hist., Leg.* III. *Conc.* I. 197.

[4] Jonas, *S. Eustasii Vita*, 3 (Migne, *P. L.* LXXXVII. 1047).

But it should be noted that § 25 comes at the end of all the serious penitential provisions of B.; being followed only by a little group of minor penances and instructions for the monks (*postremo de minutis monachorum agendum est sanctionibus*); and may well have been introduced into the *Penitential* at a time subsequent to its first issue.

In any case the section stands entirely alone among the provisions of Columbanus in its recognition (1) of public penance, (2) of public reconciliation, and (3) of the bishop as the minister of this public reconciliation. It must be pronounced to be due to some Gallic source outside Columbanus, whether adopted into the penitential by Columbanus himself or by another.

due to some Gallic source.

A similar doubt may be held to exist as to whether the final section of the last instructions (§ B. 30), a section which deals with the desirability of diligent confession, is due to Columbanus or to some later reviser.

The injunction of diligent confession before mass.

> "It is, however, enjoined that confessions be made with diligence, and especially in the case of commotions of the mind, before going to mass, lest any should possibly approach the altar in an unworthy condition, that is, if he shall not have a clean heart. For it is better to wait till the heart be sound and free from offence and malice, than to approach audaciously to the judgment of the tribunal; for the altar of Christ is a tribunal, and therein His Body with His Blood condemns those who approach unworthy. Accordingly, just as guard has to be taken against the capital sins before communicating, so too we have to abstain and to be cleansed from the more indefinite faults and disorders of the sick soul before being united with the true Peace and compacted with the eternal Salvation.[1]

Stress has sometimes been laid upon this section as being a clear prescription of repeated confession, with a view to repeated and obviously private absolution. This no doubt it is: but it should be borne in mind that the section occurs as one of a little group of minor instructions for monks (*minutis monachorum sanctionibus*). As an instruction for the inmates of the monastery there is nothing new about it, unless it be the special reference to approaching communion.

This a monastic instruction.

The *Regula Cœnobialis* begins with the following passage:—

The *Regula Cœnobialis*.

> "The diversity of faults needs to be cured by the remedy of a diversity of penance. Accordingly, brethren, it is so prescribed by the holy Fathers that we should make confession of all things, not only of capital crimes, but even of the greater negligences; because confession and penitence

[1] The citations from the *Penitentiale* of S. Columbanus are taken throughout from the edition of Wasserschleben in the *Bussordnungen*, pp. 353–360.

liberate from death. Thus neither are even little sins to be neglected from confession, because, as it is written, *He who neglects little things, falls by little and little:* so that confession should be given before meal-time, before going to bed, or howsoever it may be easy to give it."

It enjoins confession.

If the *Regula Cœnobialis* be taken as a rule not so much for monks strictly so called as for the various inmates of these great monasteries, there is here an extension of the practice of assiduous confession to a large society: but it is not yet to be inferred that a similar practice was established in the Church out of doors. There is indeed nothing to show that Columbanus ever extended his system of private penance and reconciliation with its accompanying practice of frequent confession to the Christian community outside his bounds. Those who came to him, whosoever they were, may well be taken to have accepted his discipline. And it is clear that these were an appreciable number of persons. It was precisely because the people "came together from all sides to the medicaments of Penance (*undique ad pœnitentiæ medicamenta plebes concurrere*)" [1] that Columbanus found it necessary to found new monasteries for those who sought admission within their enclosure. Many others there would doubtless be, who would fulfil their penance outside. But they were all penitents of the Luxeuil houses. And as in the continental churches there is at this time no trace of the practice of habitual confession, so neither is there any trace of its having been introduced by Columbanus into the general practice of the Christian community.

Columbanus did not extend his system outside his bounds.

His successor Eustasius did.

While, however, there is no evidence that Columbanus spread his system of private penance and reconciliation in the Church outside his doors, this does not hold good of his successor in the abbacy, Eustasius. Eustasius, who is said to have been a Burgundian by race, seems to have differed from Columbanus in having undertaken active missionary labours among his countrymen. These still comprised some heathens, besides the hardly more than nominally Christian population, whether heretic or Catholic.[2] And when back in his monastery, he was not unmindful of those outside, but "studied to rouse to Christian vigour at once the folk within (the inmates of the monastery) and the neighbouring population; and drew many of them to the medicaments of Penance." [3] If the phrase "medicaments of Penance" means the penitential system and not merely the monastic system, there is here an extension of the penitential system which was found in the monasteries of Columbanus to the surrounding population. The administration of Penance still

[1] Jonas, *S. Columbani Vita*, 17 (Migne, *P. L.* LXXXVII. 1022).
[2] Jonas, *S. Eustasii Vita*, 3 (Migne, *P. L.* LXXXVII. 1047).
[3] Jonas, *S. Eustasii Vita*, 5.

centres at Luxeuil, but there appears to be an appreciable difference between merely receiving those who come, and going outside to persuade those who have not sought to come.

S. Donatus. S. Donatus, bishop of Besançon, who was born about A.D. 592 and died in A.D. 651, is of interest as a witness to monastic practice in a sphere outside the communities of Irish foundation, which was yet considerably influenced by those communities. He was the founder of the monastery of S. Paul at Besançon, Besançon. and was in a relation of equal authority to the convent of Joussamoutier for women, which was founded by his mother Joussamoutier. Flavia. The rule which S. Donatus framed for Joussamoutier Rule based on S. Cæsarius, S. Benedict, and S. Columbanus. was based on the rule of S. Cæsarius of Arles, the rules of S. Benedict and of S. Columbanus being also laid under contribution.[1] The direction given for habitual confession may be quoted at length.

> "Among other observances of rule we commend this above all to the sisters, not only the junior, but the senior also, that confession be always rendered assiduously and with unceasing zeal, alike of thought, of the idle word, and of deed, or of any perturbation of the mind, and this every day, every hour, every moment; and that nothing be hidden from the spiritual mother, because this is enjoined by the holy Fathers, that confession is to be made before meals, or before going to bed, or whenever it shall be easy, because confession liberates from death. Accordingly not even little matters of thought are to be neglected from confession, because it is written, *He who neglects small things, falls away by little and little.*" [2]

Confession to the *abbess.*

The second half of this rule is transferred with slight variations from the passage at the commencement of the *Regula Cœnobialis* of Columbanus, which has been considered. In this matter, therefore, the nuns of Joussamoutier receive their lead from the monasteries of Irish foundation. But very noticeable in the rule is the instruction that this unremitting confession is to be made, not to a priest, but to the abbess. From her, the spiritual mother (*matri spirituali*), nothing is to be concealed (*nihil occultetur*). It is clear, therefore, that the habitual confession practised by the nuns was not regarded as having anything to do with the Penance of Church discipline. It was, as here enjoined, a practice of the devout life, with which the priest had no concern.

Review of the Keltic system. The foregoing investigation into the Keltic system of private penance and reconciliation yields important results. It shows that the only system of Penance practised or known in Ireland or in Wales in the Keltic churches of the period was this private system. By the private system of Penance is not meant merely

[1] Malnory, *S. C saire d'Arles*, 279.

[2] *Regula ad virgines*, c. 23.

private confession, which appears to have been also the usual preliminary to the public penance which was practised on the continent of Europe. In the Keltic system the penance itself was privately performed, having no part in the public offices of the Church. The reconciliation also was privately effected. And for the reconciliation recourse was not had to the bishop, but a priest was found sufficient.

Introduced on the continent by S. Columbanus.

It appears farther that this system was introduced on the continent of Europe by S. Columbanus and his companions. Their monasteries became centres of the private system; and affected not only the inmates of the monasteries, but those persons of the world outside, who resorted to them for spiritual benefit. It remains to inquire to what extent in this period the private system found further acceptance on the continent of Europe.

Further extension on the continent.

Evidence of service in this inquiry is to be found first in the history of the remarkable multiplication in the seventh century of monasteries on the model of Luxeuil. Not only did these houses adopt the rule of S. Columbanus either as it stood, or with modifications derived from other sources, but they must be understood to have practised the Keltic system of Penance. Next to the history of the monasteries come the notices of the numerous persons of light and leading, who had been trained or influenced by these monastic houses, but whose own life was in the world. In the third place is found the important evidence of the *Penitentials* of Frankish compilation which are based upon Columbanus, and of which the earlier examples may be assigned to the seventh century.

(*a*) Monasteries multiplied. Irish founders.

The actual monasteries of the Irish type included first the foundations of S. Columbanus which have been noticed. In the Vosges country there were Luxeuil, Anagrai, and Fontaines. In Lombardy S. Columbanus founded Bobbio. His companion, S. Gall, was the founder of another monastic settlement near the lake of Constance. The abbey of Dissentis, in the Rhætian Alps, was due to Sigisbert. Another Irish founder, unconnected with S. Columbanus, was S. Fridolin, who founded a monastic house at Seckingen on the Rhine above Basel, and apparently another on the banks of the Moselle. The date of S. Fridolin may be approximately fixed by the fact that he was visited by two relatives who were priests lately engaged in the missions of Northumbria. This indicates about A.D. 650. Another distinguished Irish founder was S. Fursey. Born in Munster towards the close of the sixth century, Fursey appears to have had his training at the monastery of Inchiquin. After various experiences in Ireland and in England, he sought refuge in Gaul with his brothers Faelan and Ultan, and became the founder of the famous monastery of Lagny on the Marne (*Latiniacum cœnobium*), some fifteen miles from Paris. He died about A.D. 650.

Besides the monasteries actually founded by Irish monks, the seventh century witnessed the institution of a remarkable number of monastic houses based upon the Irish model. At no time were so many monasteries founded in the area covered by the Frankish kingdoms as in the seventh century; and it will be true to say that every monastery then founded in the Frankish kingdoms was due to the impulse given by the foundations of Keltic origin. Luxeuil was "the monastic capital of the Gauls": and by comparison with it all the older houses of Gallic monasticism seemed to the men of the seventh century relaxed and decayed. There is no better witness than S. Ouen, who had been the companion of S. Eligius at the court of Dagobert. He says that at that time there were but few monasteries in Gaul; and that these did not maintain the discipline of their rule, but had become utterly secular "in the malice of the old leaven." [1] Even Lerins, the glory of an earlier age, had fallen on supine days. S. Gregory the Great, writing to Conon, abbat of Lerins, about A.D. 600, deplores the remissness of Conon's predecessor in the government of the community, praises Conon himself for his efforts to reform, and commends to him "our son Columbus (*i. e.* Columbanus) the presbyter." [2]

Frankish foundations on the Irish model.

Decline of ancient Gallic monasteries.

It may accordingly be taken as clear *a priori* that monastic initiative was in the seventh century to be looked for, not in the old monastic foundations of Gallo-Roman origin, but in the new Keltic foundations which the Irish monks had planted in the Frankish lands. And it is this development which history, in fact, records. The foundation of Solignac by S. Eligius is an excellent example. In the extracts printed above [3] from the charter of the monastery S. Eligius requires of the abbat and his successors the condition that they follow "the path of religion of the most holy men of the Luxeuil monastery, and firmly maintain the rule of the most blessed fathers Benedict and Columbanus." No bishop or other outside person is to have any power in the monastery, but the abbat of Luxeuil is authorised to intervene in the case of any loss of fervour, or, again, in the case of insubordination. The houses of S. Paul and Joussamoutier, founded under the guidance of S. Donatus in his diocese of Besançon, have already been referred to. Adon, the brother of S. Ouen, founded the monastery of Jouarre on a height overlooking the Marne, and prescribed for it the rule of S. Columbanus. Radon, another brother, founded another house upon the Marne, called after him Radolium (Reuil). S. Ouen himself founded Rebais, in the forests of Brie, and placed at its head the noble Agilus, who had

Solignac.

Other monasteries.

[1] S. Ouen, *S. Eligii Vita*, c. 21. *Neque enim tam crebra erant adhuc in Gallis monasteria, et sicubi essent, non sub regulari quidem disciplina, sed erant prorsus in malitia fermenti veteris sæcularia.*

[2] S. Gregorius Magnus, *Epist.* xi. 12 (*P. L.*, LXXVII. 1126).

[3] Under *S. Eligius* in the prior portion of this chapter.

been brought up from childhood at Luxeuil. S. Fara, or Burgundofara, whom in early life the exiled Columbanus had once blessed, founded under the guidance of S. Eustasius of Luxeuil the great house, also in Brie, known after her as Faremoutier, where for forty years she governed by the rule of S. Columbanus. Walaric, once a shepherd of Auvergne, and then a monk of Luxeuil under Columbanus, became in later life a missionary on the Neustrian coasts of the channel near to Amiens. There, at Leuconaus (S. Valéry) at the mouth of the Somme he founded a new Luxeuil. To the north of the Somme S. Riquier founded Centule. In Neustria Wandresigil, in early life an official of the court of Dagobert, was the founder of Fontenelle, which as S. Vandrille became renowned in the later history of Normandy. Another great house, the monastery of Jumièges, owed its foundation to S. Philibert, who had learned the spirit of Luxeuil in the daughter monastery of Rebais. Jumièges counted nine hundred monks, besides fifteen hundred other inmates.

These notices will serve sufficiently to illustrate the new fervour of monasticism which had laid hold upon the Frankish lands. The various houses adopted in their beginnings the rule of S. Columbanus, either as it stood, or with modifications derived from other sources. It has been seen how for Solignac S. Eligius combined with it the rule of S. Benedict, and how for Joussamoutier S. Donatus employed besides these two rules the rule of S. Cæsarius of Arles. It is not a little remarkable that by the end of the seventh century the rule of S. Columbanus, for whatsoever reason, practically disappears, and the rule of S. Benedict becomes supreme. But for the purposes of the present inquiry it is not the rule of S. Columbanus which is concerned, but his penitential system; and that not only survived in the monasteries which were now being founded, but was destined in time, after the accession of the later English influence, to become the general penitential system of Western Europe.

The rule of S. Columbanus does not last. His system of penance does.

It cannot be doubted that the immense attraction of the monastic life for the men of the seventh century lay not a little in its provision for penitence. It has already been noticed that the monasteries founded by Columbanus himself grew in numbers as they did precisely because, in the words of Jonas, "the people came together from all sides to the medicaments of Penance." The older system of continental Christendom which in practice administered the one Penance of the lifetime at the hour of death, and which tended to confine any other and public Penance to cases of public enormity, did not meet the frequent case of the man of more or less unrestrained life, who became touched by the conviction of his sin, and craved for the office of the Church in dealing with it. The system of Columbanus met this need. In an age which confuses a monk with an ecclesiastic it is difficult to appreciate to how great an extent in these earlier times a monk was simply

In it lay much of the attraction of the monastic life.

a penitent, while a penitent frequently sought or was required to become a monk.

(*b*) Leading men of Keltic training. S. Eligius.

Next may be noticed the influence of those leading men of the day who had been trained in or influenced by the monasteries of Keltic type. Foremost among such was S. Eligius. Some sketch of his life has already been given. In him may be seen to meet the two streams of penitential practice. He was a devoted admirer of Luxeuil. In his early manhood, as S. Ouen relates, "desiring to present himself to God a sanctified vessel, and fearing lest any offences should hinder his devotion, he confessed all the actions of his youth in the presence of a priest (*coram sacerdote*)." Here there is no hint of public penance, of public reconciliation, or of after disabilities. It is the striving of an earnest soul after the more perfect way. It is the private system of Luxeuil. Later on, when Eligius founded Solignac, he made provision in it as far as possible for the reproduction of Luxeuil, doubtless in its penitential system as in all else. When, however, he became bishop of Noyon, he was called upon to administer the public system. Those sermons of S. Eligius which remain to us are largely sermons preached on Thursdays in Holy Week on the occasions of his episcopal exercise of public reconciliation. Also, in the very words of S. Cæsarius of Arles, he speaks of the general prevalence of the intention of seeking Penance and reconciliation at the time of death. As a bishop he has, in fact, to deal with the older conditions of continental Christendom: yet he must be understood to favour the methods of Columbanus, and probably his appeals of penitence and confession may sometimes be taken in this sense.

In him the two streams of penance meet.

Bishops of Luxeuil training.

Besides S. Eligius not a few of the leading bishops of the age had derived their spirit from Luxeuil. Chagnoald, who had been left in charge at Luxeuil when Eustasius went to visit Lothair, became afterwards bishop of Laon (*c.* A.D. 619). Acharius, another inmate of Luxeuil, became bishop of Vermand, Noyon, and Tournai. Ragnacharius was bishop of Basel; Audomarus, or Omer, of Boulogne and Therouane. Faro, brother of Chagnoald and of Fara, was bishop of Meaux. Audoenus, or Ouen, the friend of Eligius at the court of Dagobert, became bishop of Rouen. Remaclus, who had been at Solignac, was bishop of Maestricht. Hildebert, who had been educated by Faro, was in his turn bishop of Meaux. Deodatus (Dieudonné), who founded the monastery of Jointures in the Vosges for the disciples of Columbanus, was bishop of Nevers.

All these were bishops, and the enumeration will serve to illustrate the new ferment of the Frankish lands. From another point of view it is startling to learn that from Luxeuil alone came no less than twenty-one saints honoured by the reverence of the Church. Montalembert well presumes that never has

Saints.

history recorded at one centre in the short space of twenty years so great a company of the canonised.[1]

In the present inquiry the significance of all these names is that they represent influences not adverse to, but sympathetic with, the penitential methods of Luxeuil. Those who were bishops of the church of Gaul might be called upon to administer the ancient penitential methods of that church so far as they retained recognition. Such recognition, as is seen in the case of S. Eligius, would at least call for the solemn function of public reconciliation by the bishop on the Thursday before Easter. But the large sympathy of all these saintly men would no less be with the penitent who not only made his confession privately, but who under the guidance of the fathers of a monastery, or, it may be, of a priest outside the monastery, performed a private penance, and found a private reconciliation at the hands of the priest without recurrence to the bishop at all.

Sympathy with the private system.

Council of Chalon, A.D. 639.

A noteworthy expression of such sympathetic approval is to be found in the eighth canon of a council held at Chalon some time between A.D. 639 and A.D. 654[2]:—

> "With regard to the penance of sinners, which is the medicine of the soul, we deem it to be useful for all men: and that the penance be assigned to the penitents by the priests when confession has been made; let the assembled priests (bishops) be understood to agree."

This appears to be the first instance of recognition by the canon of a council of the system introduced by Columbanus. Penance, in antiquity regarded as altogether exceptional, is now officially recognised as a medicine of the soul which is useful for all men. Farther, when confession has been made by any, the council sanctions the imposition of penance by the priest.

Influence exercised by the Keltic training.

An interesting statement by the abbat Adso, who wrote the life of S. Bercharius, thus describes the extraordinary influence exercised by the foundations of S. Columbanus:—

> "And now what place, what city, does not rejoice in having for its ruler a bishop or an abbat trained in the discipline of that holy man (Columbanus)? For it is certain that by the virtue of his authority, almost the whole of the land of the

[1] Montalembert, *Moines d'Occident*, 1860, II. 494. He takes the list which follows from the *Vies des Saints de Franche Comté*, by the professors of the College of S. Francois Xavier, II. 492. The French forms of the names are retained.

1. S. Colomban.	8. S. Valéry.	15. S. Donat.
2. S. Colomban (jeune).	9. S. Waldolène.	16. S. Attale.
3. S. Desle.	10. S. Sigisbert.	17. S. Léobard.
4. S. Lua.	11. S. Eustaise.	18. S. Bobolène.
5. S. Gall.	12. S. Cagnoald.	19. S. Urcicin.
6. S. Ragnacaire.	13. S. Hermenfroy.	20. S. Waldalène.
7. S. Achaire.	14. S. Agile.	21. S. Colombin.

[2] *Monumenta Germaniæ Historica, Legum*, Sec. III. *Concilia* I. 210.

Franks has been for the first time properly furnished with regular institutions." [1]

Thus it would appear that under the Divine guidance the breath which came with Columbanus reconverted the Frankish lands. And no small part in that which was accomplished must be referred to the " medicaments of Penance " as the Keltic houses used them.

(c) The *penitentials* of the seventh century.

The next evidence of the spread of the Keltic practice of private penance and private reconciliation on the continent of Europe is to be found in those penitentials put forth on the continent in the seventh century or at the beginning of the eighth, which, while they are largely indebted to the *Penitential of Columbanus*, are not yet affected by the English *Penitential of Theodore*. It was Theodore's penitential which in the eighth and ninth centuries became the great source and origin of the spread of the private system. The prior penitentials based on Columbanus indicate an earlier and as yet very partial influence, but an influence of great importance in this inquiry as illustrating the earlier developments of the private system.

The significance of the output of penitential books in the seventh, eighth, and ninth centuries has not been generally apprehended. In enumerating the penances applicable to various sins the penitentials do not in principle differ from such early codes as the canonical letters of S. Basil. Nor is their distinctive character to be found in their more elaborate scales of penance, which supply what a French writer styles a *pénitence tarifée*.[2] The truly distinctive feature of every penitential of this time is that it is a handbook of the new system of private penance. That system is administered by the priest, and the reconciliation which follows is effected by the priest. The penitential is the priest's handbook for his work.

Each penitential is a handbook of private penance for the use of the priest.

In the learned and valuable work of Wasserschleben, *Die Bussordnungen der abendländischen Kirche* (Halle, 1851), he enumerates several penitentials which are related to that of Columbanus.[3] Of these it will be sufficient to refer here to three which can be certainly pronounced to belong either to the seventh century, or, at latest, to the beginning of the eighth. These three

[1] *Vita S. Bercharii.* Adso was not a contemporary, his date being about A.D. 968 : but he inherited the corporate monastic traditions.

[2] M. Boudinhon, professor at the *Institut catholique* of Paris, in the *Revue d'histoire et de littérature religieuses*, 1897, p. 306 *sqq.*

[3] The penitentials given in Wasserschleben which he classes as related to the *Penitential of Columbanus* are these : *Pœnitentiale (pseudo-)Romanum, P. Hubertense, P. Merseburgense* (a, b, c), *P. Bobiense, P. Parisiense, P. Vindobonense, P. Floriacense, P. Sangallense.* Bishop Schmitz has printed some other penitentials in his *Die Bussbücher und die Bussdisciplin der Kirche* (I. Mainz, 1883; II. Düsseldorf, 1898). He styles them *Valicellanum I, Valicellanum II, Casinense, Arundel.* The careful industry of Bishop Schmitz in editing these penitentials should be acknowledged; but his work is spoiled for the student of the subject by a hopelessly erroneous classification based upon an impossible theory of the Roman origin of the earlier penitentials.

Three penitentials of the seventh century. Features in which they agree.

are (1) the *Pœnitentiale Romanum*, styled by Wasserschleben *pseudo-Romanum*, (2) the *Pœnitentiale Bobiense*, and (3) the *Pœnitentiale Parisiense*.

These penitentials will be found to agree in the following respects :—

1. They all stand in a filial relation to the *Penitential of Columbanus*.
2. They are all to be assigned to the Frankish countries either in the seventh or in the early eighth century.
3. They are all handbooks for priests in the administration of the private system of penance and reconciliation.
4. They all contemplate the administration of such penance to ordinary Christians in the world, and not to monks only.
5. The private penance assigned is the penance of fasting : of which part, at least, is fasting on bread and water only. In certain cases exile, or the privation of marital intercourse, may be included in the penance. Where fasting is inadmissible, commutation for money payments is prescribed.
6. The priest is the minister of the reconciliation as well as of the penance. The *Pœnitentiale pseudo-Romanum* contemplates the case of a deacon acting in case of emergency.
7. Such reconciliation has no public character.

These earlier penitentials for fulness, consistency, and the general character of a code, compare unfavourably with the later *Penitential of Theodore*. They may be described as collections of notes of penance, strung together somewhat unintelligently without much regard to consistency or completeness, and derived from any source open to the particular compiler.

Paenitentiale pseudo-Romanum.

The *Pœnitentiale Romanum* or, as it is styled by Wasserschleben, *pseudo-Romanum*,[1] presents several features of great interest. It has an introduction headed *How penitents are to be received, to be judged, or to be reconciled.* This introduction gives directions for the conduct of the private system of Penance. (1) When persons come to Penance fasts are to be assigned (*jejunia damus*). (2) The priest is himself to share the fast of the penitent for a week or two, in token of his solicitude. (3) Penance is to be given immediately and at the same time as counsel, that is to say, the extent of the fast is to be indicated, lest the priest should forget how much is called for, and should have to inquire about the sins a second time. The penitent "may perhaps blush to confess his sins a second time." (4) Clearly, therefore, he has already confessed them once. (5) The keys of the kingdom of heaven are committed only to bishops and priests, and others may not usurp their sentences. (6) Yet, under pressure of necessity,

Directions for the conduct of private penance.

[1] *Bussordnungen*, 360.

if a priest be not present, a deacon may receive a penitent to satisfaction or to the Holy Communion. (7) When any person comes to the priest to confess his sins, the priest is to bid him wait while he, the priest, enters his closet for prayer. If he have no such retiring place, the priest will say the prayer in his heart. (8) The priest's prayer is as follows :—

> "O Lord God Almighty, be favourable to me a sinner, that I may fitly give Thee thanks, Who in Thy great mercy hast made me unworthy a minister of the priestly office (*officii sacerdotalis*), and hast appointed me, insignificant and humble, a minister for praying and interceding to our Lord Jesus Christ for the sinful who return to penitence. Accordingly, O Lord our Governor, Who willest that all men should be saved and come to the knowledge of the truth, Who willest not the death of a sinner, but that he should be converted and live, receive my prayer which I pour forth in the sight of Thy clemency for Thy servants and handmaidens, who have come to penitence, Through our Lord."

(9) If the penitent see the priest saddened and in tears for his sins, he will himself be sad and abhor his sins. (10) Every one who comes to Penance, if the priest see that he is in earnest, is to be received. (11) Those who can fast are to be suffered to fast. The fast assigned is a debt. The earnest penitent may well fast somewhat in excess of this debt. If he do, he will find reward. (12) For those who fast the week through Saturday and Sunday are to be off days, but the persons must avoid excess. (13) For those who cannot fast money commutation may be admitted according to means. (14) Servants are to be dealt with leniently.

This introduction is of high interest as constituting the first known directory for the exercise of the priest's office in the administration of the private system of Penance.

Sources of penances.

Of the particular penances indicated more than twenty are based upon the *Penitential of Columbanus*, and six on Gildas. Others are taken from various sources. Thus five of the canons of Ancyra are introduced, one of these being the canon which assigns twenty-five years of penance for certain unnatural offences, and in a particular class of cases makes the penance continuous till the last sickness. These provisions had been intended for public penitents; and also in their duration are out of perspective with most of the provisions of the present penitential.

Examples of penances.

The first section of the collection of penances may be cited :—

> "C. I. *First, Of Homicide.*
>
> § 1. If any clerk have committed homicide, let him do penance x years, iii of these on bread and water.
>
> § 2. If a layman, let him do penance iii years, one of these on bread and water; a subdeacon vi, a deacon vii, a priest x, a bishop xii.

§ 3. If any have consented to the commission of homicide, let him do penance seven years, three of these on bread and water.

§ 4. If any layman have voluntarily committed homicide, let him do penance vii years, iii of these on bread and water.

§ 5. If any have overlain an infant, let him do penance iii years, one of these on bread and water. Let a clerk observe the same penance." [1]

It is clear alike from the directory and from the list of penances that the penitential is a handbook of the private system which arose on the continent of Europe within the influence of the Keltic monasteries. It may be pronounced as certainly produced in the Frankish lands, and the absence of any knowledge of Theodore indicates a period not later than the beginning of the eighth century.

Two Roman *Offices.*

Next has to be considered what constitutes, as amongst the penitentials of the time, the most peculiar feature of the *Pœnitentiale Romanum.* The compiler has introduced two offices. Before the list of penances is placed an office for giving penance (*ad dandam penitentiam*): and after the list of penances an office for reconciliation on the Thursday before Easter. Both these offices are offices taken from the public system of Penance; and are probably the offices actually in use in the exercise of public penance in the compiler's province or diocese. They are derived in great part from the Roman *Sacramentaries;* and this fact no doubt supplies the reason why the penitential came to be generally known as the *Pœnitentiale Romanum.* What distinguished it from other penitentials of the day was the inclusion of these Roman offices of the public system. The two offices are given in outline above. Several of the prayers have already been printed in the citations from the *Gelasian Sacramentary.* Some attention may be given to the heading which is found in manuscripts of this penitential, *Incipit liber pœnitentialis ex scrinio Romanæ Ecclesiæ assumptus.* The heading states that the penitential was taken *ex scrinio, from the muniment chest,* of the Roman church. This statement appears to be the statement of Halitgar, who at the request of Ebbo, bishop of Rheims, about A.D. 830 compiled a revised penitential, which was intended to supersede the many unauthorised penitentials then in use. Halitgar, finding one penitential generally known as the *Pœnitentiale Romanum,* not unnaturally supposed it to be of Roman origin, and described it as *ex scrinio,*[2] *from the muniment chest,* of the Roman church.

From these the penitential was styled *Roman.*

[1] *Bussordnungen,* 364 *sqq.*

[2] The term *scrinium* is used by S. Boniface in a letter (No. 40) to Archbishop Nothelm of Canterbury (A.D. 736) [*P. L.*, LXXXIX. 739]. S. Boniface asks for a copy of the letters of S. Gregory to S. Augustine as to marriage within certain degrees of kindred. He says that these are not to be found *in scrinio Romanæ Ecclesiæ, ut affirmant scriniarii.* Halitgar may have taken the term from S. Boniface.

The *Pœnitentiale Bobiense* and the *Pœnitentiale Parisiense* may be assigned like the *Pœnitentiale Romanum* either to the seventh century or to the first half of the eighth century.[1] They, too, are handbooks for the clergy in the administration of the private system of penance. Some of the penances of each of these penitentials are printed above. Notice in detail is here hardly called for. *P. Bobiense, P. Parisiense.*

The student is now in a position to judge what was the vogue of the private system at about A.D. 650. It was employed by the Keltic churches in the British islands, and by the various Keltic monasteries on the continent of Europe. It was gradually coming to be employed by those who had been reached by the influences of the Keltic monasteries, but who had their own place in the outside world. These included bishops, priests, and influential laymen. In some places it was felt desirable to systematise the penances assigned, and accordingly new penitentials are found springing up to guide the priest in his functions. These penitentials are of general scope with no reference to monastic limitations. Yet the vogue of the system must as yet have been very partial. It was unknown, so far as appears, in Spain, in Mediterranean Gaul, and in Italy outside the influence of Bobbio in Lombardy. In the Frankish lands, where the Irish monasteries had in particular localities made a marked impression, the system would still be very partial both as regards places and persons. In a few places, and with a limited number of persons, the private system of penance and reconciliation found acceptance. The rest were content with the very general use of death-bed Penance and reconciliation, which had survived from ancient practice in connexion with the system of public penance. Public penance would seem to have been exercised in the cases of a few persons only: and these would most often be persons who had committed grave and notorious offences, and whose penance was required by authority. The vogue of the private system at about A.D. 650.

[1] M. Chatelain, judging from the palimpsest leaves 296–299, assigns the Bobbio Missal to the eighth century (*Annuaire de l'École des Hautes Études*, 1904, p. 36).

XII. FROM A.D. 650 TO A.D. 950

I. To Charles the Great

Text of Authorities

[S. Cuthbert, died A.D. 687, notice of] in the Venerable Bede.

Capitula Theodori.

Theodore, archbishop of Canterbury (Pœnitentiale Theodori. Abp. A.D. 668–690).

The Dialogue of Egbert, archbishop of York (abp. A.D. 732–766).

Othmar, abbat of S. Gall (died A.D. 759).

S. Boniface, apostle of Germany (c. A.D. 680–755).

Council under S. Boniface at Ratisbon or Augsburg, A.D. 742.

A Bavarian Council between A.D. 740 and A.D. 750.

Statuta quædam (? c. A.D. 800).

S. Chrodegang, bishop of Metz (bishop A.D. 740–750).

[*Cuthbert in his preaching circuits receives confessions and assigns penances.*]

Notice of S. Cuthbert (*d.* A.D. 687).

The Venerable Bede (A.D. 673–735).

[Migne, *P. L.*, XCV. 225.]

Lib. IV. *c.* 27. *Historia Ecclesiastica.*

Porro Cudbercto tanta erat dicendi peritia, tantus amor persuadendi quæ cœperat, tale vultus angelici lumen, ut nullus præsentium latebras ei sui cordis celare præsumeret; omnes palam quæ gesserant confitendo proferrent, quia nimirum hæc eadem illum latere nullo modo putabant; et confessa dignis, ut imperabat, pœnitentiæ fructibus abstergerent.

[*The clergy ought to confess their sins.*]

Capitula Theodori (? *c.* A.D. 670).

[Haddan and Stubbs, *Councils and Ecclesiastical Documents*, III. 211.]

13. Episcopus, presbyter, diaconus confiteri debent peccatum suum.

[*Capitula Theodori, ed. Wasserschleben, n.* 149.]

[*The Penitential of Theodore records his answers to questions, most of which were asked by the priest Eoda out of a book of the Scots. Now published to all Catholics of the English by a disciple of the Northumbrians.*]

Pœnitentiale Theodori (abp. A.D. 668–690).

[Haddan and Stubbs, *Councils, etc.*, III. 173.]

Præfatio.

In Nomine Domini.

Incipit Præfatio libelli quem Pater Theodorus diversis interrogantibus ad remedium temperavit penitentiæ. Discipulus Umbrensium universis Anglorum catholicis propriæ animarum medicis sanabilem supplex in Domino Christo salutem.

. . . . . .

Horum igitur maximam partem fertur famine veriloquo beate memoriæ Eoda presbiter cognomento Christianus a venerabili antistite Theodoro sciscitans accipisse. In istorum quoque adminiculum est, quod manibus vilitatis nostræ divina gratia similiter prævidit, quæ iste vir ex Scotorum libello sciscitasse quod diffamatum est, de quo talem senex fertur dedisse sententiam, ecclesiasticus homo libelli ipsius fuesse conscriptor.

[*Some penances.*]

Lib. I. *c.* i. [Haddan and Stubbs, *Councils, etc.*, III. 177.]

De Crapula et Ebrietate.

1. Si quis Episcopus aut aliquis ordinatus in consuetudine vitium habuerit ebrietatis, aut desinat aut deponatur.

2. Si monachus pro ebrietate vomitum facit, xxx dies peniteat.

3. Si presbiter aut diaconus pro ebrietate, xl dies peniteat.

. . . . . .

5. Si laicus fidelis pro ebrietate vomitum facit, xv dies peniteat.

. . . . . .

c. ii.

De Fornicatione.

1. Si quis fornicaverit cum virgine, i anno peniteat. Si cum marita, iiii annos, ii integros, ii alios in xlmis. iiibus, et iii dies in ebdomada peniteat.

[*In cases of theft restitution and reconciliation are to be taken into account.*]

Lib. I. *c.* iii. [Haddan and Stubbs, *Councils, etc.*, III. 179.]

3. Qui sepe furtum fecerit vii annis penitentia ejus est, vel quo modo sacerdos judicaverit, id est, juxta quod conponi possit quibus nocuit. Et qui furtum faciebat, penitentia ductus semper debet reconciliari ei quem offendebat, et restituere juxta quod ei nocuit: et multum breviavit penitentiam ejus. Si vero noluerit aut non potest, constitutum tempus penitentiæ manet per omnia.

Pœnitentiale Theodori.

[*Some penances.*]

Lib. I. *c.* iv. [Haddan and Stubbs, *Councils, etc.*, III. 180.]

De Occisione Hominum.

1. Si quis pro ultione propinqui hominem occiderit, peniteat sicut homicida, vii vel x annos. Si tamen reddere vult propinquis pecuniam æstimationis, levior erit penitentia, id est, dimidio spatii.

2. Qui occiderit hominem pro vindicta fratris, iiibus. annis peniteat : in alio loco x annos dicitur penitere.

3. Homicida autem x vel vii annos.

4. Si laicus alterum occiderit odii meditatione, si non vult arma relinquere, peniteat vii annos, sine carne et vino iii annos.

5. Si quis occiderit monachum vel clericum, arma relinquat et Deo serviat vel vii annos peniteat. In judicio Episcopi est. Qui autem Episcopum vel presbiterum occiderit regis judicium est de eo.

6. Qui per jussionem domini sui occiderit hominem, xl diebus abstineat se ab ecclesia, et qui occiderit hominem in puplico bello xl dies peniteat.

7. Si per iram iii annos; si casu i annum; si per poculum vel artem aliquam iiii annos aut plus; si per rixam x annos peniteat.

[*The loyalty of Theodore to Rome.*]

[Haddan and Stubbs, *Councils, etc.*, III. 180.]

Lib. I. *c.* v.

2. Si quis a catholica æcclesia ad heresim transierit, et postea reversus, non potest ordinari nisi post longam abstinentiam, et pro magna necessitate. Hunc Innocentius Papa nec post penitentiam clericum fieri canonum auctoritate adserit permitti. Ergo hoc Theodorus ait, pro magna tantum necessitate ut dicitur consultum permisit; qui numquam Romanorum decreta mutari a se sepe jam dicebat voluisse.

[*Roman and Greek practice in reconciliation. In England no public reconciliation, because no public penance.*]

Lib. I. *c.* xiii. [Haddan and Stubbs, *Councils, etc.*, III. 187.]

De Reconciliatione.

1. Romani reconciliant hominem intra absidem; Greci autem nolunt.

2. Reconciliatio penitentium in Cœna Domini, tantum est ab Episcopo, et consummata penitentia.

Pœnitentiale Theodori.

3. Si vero Episcopo dificile sit, presbitero potest necessitatis causa prebere potestatem, ut impleat.

4. Reconciliatio ideo in hac provincia puplice statuta non est, quia et puplica penitentia non est.

[*Greek usage admits reconciliation by a priest; Roman usage by bishops only.*]

Lib. II. *c.* iii. [Haddan and Stubbs, *Councils, etc.*, III. 193.]

8. Secundum Grecos presbitero licet virginem sacro velamine consecrare et reconciliare penitentem et facere oleum exorcizatum et infirmis crismam si necesse est. Secundum Romanos autem non licet nisi Episcopis solis.

[*Clergy ordained by Scotch or British bishops to be re-ordained. Chrism and the Eucharist only to be accorded on desire for admission into the Latin unity.*]

Lib. II. *c.* ix. [Haddan and Stubbs, *Councils, etc.*, III. 197.]

De communione Scottorum et Brittonum qui in Pascha et tonsura catholici non sunt.

1. Qui ordinati sunt a Scottorum vel Britonum Episcopis, qui in Pascha vel tonsura catholici non sunt, adunati æcclesiæ non sunt, sed iterum a catholico Episcopo manus impositione confirmentur.

2. Similiter et æcclesiæ quæ ab ipsis Episcopis ordinantur, aqua exorcizata aspergantur et aliqua collectione confirmentur.

3. Licentiam quoque non habemus, eis poscentibus, crismam vel Eucharistiam dare, nisi ante confessi fuerint velle nobiscum esse in unitate æcclesiæ. Et qui ex horum similiter gente vel quicunque de baptismo suo dubitaverit, baptizetur.

[*Confession to God alone is lawful if necessary.*]

Lib. I. *c.* xii. [Haddan and Stubbs, *Councils, etc.*, III. 187.]

7. Confessio autem Deo soli agatur licebit si necesse est. Et hoc *necessarium* in quibusdam codicibus non est.

[*S. David's Synod of Lucus Victoriæ used in Theodore's Penitential.*]

Pœnitentiale Theodori.

[Haddan and Stubbs, *Councils, etc.*, III. 178.]

I. ii. 7.

Item hoc; virile scelus semel faciens iiii annos peniteat.

Synodus Luci Victoriæ (A.D. 569).

[Wasserschleben, *Bussordnungen*, 104; Haddan and Stubbs, I. 118.]

§ 8.

Qui facit scelus virile, ut sodomite, iiii annis.

[*Gildas used in Theodore's Penitential.*]

Pœnitentiale Theodori.

[Haddan and Stubbs, *Councils, etc.*, III. 187.]

I. xii. 8.

Qui sacrificium perdit feris vel avibus devorandum, si casu, ebdomadas jejunet, si negligens, iii xlmas.

Gildas (*ante* A.D. 570).

Prefatio de Penitentia.

[Haddan and Stubbs, *Councils, etc.*, I. 114.]

§ 9.

Si casu negligens quis sacrificium aliquod perdat, per iii xlmas peniteat, relinquens illud feris et alitibus devorandum.

[*S. Finian used in Theodore's Penitential.*]

Pœnitentiale Theodori.

[Haddan and Stubbs, *Councils, etc.*, III. 188.]

I. xiv. 9.

Qui maculat uxorem proximi sui iii annos absque uxore propria jejunet, in ebdomada ii dies et iiibus. xlmis.

§ 11.

Si puellam Dei maculaverit, iii annos peniteat, sicut supra diximus, licet pariat an non pariat filium ex ea.

Pœnitentiale Vinniai.

[Wasserschleben, *Bussordnungen*, 116.]

§ 36.

Si quis laicus maculaverit uxorem proximi sui aut virginem, annum integrum peniteat cum pane et aqua per mensuram et non intrabit ad uxorem suam propriam. . . .

§ 37.

Si quis puellam Dei maculaverit et coronam suam perdiderit et genuerit ex ea filium, iii annis peniteat ille laicus sed in primo anno cum pane et aqua per mensuram et inermis existat et non intrabit ad uxorem suam propriam et in duobus annis aliis abstineat se a vino et a carnibus et non intrabit ad uxorem suam.

[*English custom since Vitalian and Theodore that not only clerks in monasteries, but married persons should come to their confessors before Christmas.*]

Dialogue of Egbert (A.D. 732 × 766).

[Haddan and Stubbs, *Councils, etc.*, III. 413.]

Nam hæc, Deo gratias, a temporibus Vitaliani papæ, et Theodori Dorobernensis Archiepiscopi inolevit in æcclesia Anglorum consuetudo, et quasi legitima tenebatur, ut non solum clerici in monasteriis, sed etiam laici cum conjugibus et familiis suis ad confessores suos pervenirent, et se fletibus et carnalis concupiscentiæ consortio his duodecim diebus cum elemosinarum largitione

Dialogue of Egbert.

mundarent, quatenus puriores Dominicæ communionis perceptionem in Natale Domini perciperent.

[*How to confess.*]

Othmar, abbat of S. Gall (*d.* A.D. 759).

[Wasserschleben, *Bussordnungen*, 437.]

Othmarus ad discipulos.

Quando volueris confessionem facere, viriliter age et noli te erubescere, quia inde venit indulgentia, quia sine confessione non est indulgentia. Inprimis prosterne te humiliter in conspectu Dei in terra ad orationem et roga Dominum Deum omnipotentem et beatam Mariam cum sanctis apostolis et martiribus et confessoribus, ut ipsi intercedant pro te, ut Dominus omnipotens dignetur tibi dare sapientiam perfectam et intelligentiam veram ad confitendum peccata tua. Et postea surge cum fidutia et vera credulitate dic illo servo Dei, quem confessus es: Domino Deo omnipotente confessus sum peccatis meis et sanctis suis, et tibi, Dei misso que feci, ex quo sapere incipi in verbo et in cogitatione et in opere, aud in juramentis et perjuriis aud maledictis et detractionibus, aut otiosis sermonibus, et per odium vel iram, aud per invidiam et concupiscentiam gulæ, aut per somnolentiam aut per sordibus cogitationibus aud in concupiscentia oculorum, aud per voluptuose aurium delectatione, aud per asperitate pauperum, et tarde Christum in carcere visitavi, et peregrinos negligenter exipi et secundum promissionem nostram baptismo hospitibus pedes lavare neglegi et infirmos tardius quam oportet visitavi, et discordes ad concordiam non toto et integro animo revocavi, et eclesia jejunante prandire volui, et eclesia stante sancte lectione legunt, otiosis fabulis occupatus fui, quod aut psallendo vel orando aliquotiens aliud quam oportet cogitavi, et in conviviis meis non ea semper, que sancta sunt, sed aliquotiens, que sunt luxuriosa vel detractationes, locutus sum; et confessum tibi incredulitatem meam, quod fui sacrilegus, quod furavi, quod fornicavi, quod adulteravi, et in sacro altare juravi, quod homicidium feci et raptus fui et falsum testimonium dixi, et me in malis et in membris meis in concupiscentiam malorum fantasmatum me tangendo pro malo dilectatione me coinquinavi; et quod cum oculis meis vidi, que mihi licitum non fuit, vel negligens fui, quod videre debui, et quod cum auribus meis audivi, quod mihi licitum non fuit, aut audire neglegi, quod præceptum est, aud ore locutus fui, quod licitum non fuit; aud silui, quod loquere debui, aud manibus meis operatus fui, quod licitum non est; aud tardavi, quod præceptum fuit; aut pedibus meis ambulavi, ubi non fuit licitum, aud per rise, quod præceptum fuit, et quod volens aud nolens aud sciens aud insciens contra Dei voluntatem cogitavi aut locutus fui vel operatus, omnia fiant in pura

Othmar.

confessione. Domino Deo omnipotente confessus sum et tibi, Dei amico et sacerdote, et rogo te cum humilitate, ut digneris orare pro me infelice et indigno, ut mihi dignetur per suam misericordiam Dominus dare indulgentiam peccatorum meorum.

[*Use of the phrase* de scrinio Romanæ ecclesiæ.]

S. Boniface (*d. c.* A.D. 753).

Ep. 52. [Migne, *P. L.*, LXXXIX. 750.]

Ad Egbertum archiepiscopum.

. . . fraternitati tuæ direxi exemplaria epistolarum sancti Gregorii (quas de scrinio Romanæ ecclesiæ excepi, quæ non rebar ad Britanniam venisse. Et plura iterum, si mandaveris, remittam, quia multas inde excepi).

[*Impious laxity of Adalbert in refusing confessions.*]

Ep. 57. [Migne, *P. L.*, LXXXIX. 753.]

Bonifacius Zachariæ.

Tum demum quod maximum scelus et blasphemia contra Deum esse videbatur fecit, venienti enim populo et prostrato ante pedes ejus, et cupienti confiteri peccata sua, dixit: Scio omnia peccata vestra, quia mihi cognita sunt omnia occulta. Non est opus confiteri, sed dimissa sunt peccata vestra præterita; securi et absoluti redite ad domos vestras cum pace.

[*Advantage of confession. Better to confess to one man than to be exposed at the judgment.*]

Sermo 4. [Migne, *P. L.*, LXXXIX. 851.]

Si enim confitebimur peccata nostra, et emendabimus et ad eadem non revertemur, mundabit nos Deus a peccatis nostris, et replebit nos virtutibus cœlestibus, et dignos nos efficiet cœlestis beatitudinis cum omnibus sanctis. Si autem absconderimus, Deus illa manifestabit, velimus nolimus. Et melius est uni homini confiteri peccata, quam in illo tremendo judicio coram tribus familiis, cœli terræque et inferorum, publicari, et confundi pro peccatis, non ad emendationem, sed ad pœnam perpetuam.

[*An enumeration of the capital sins.*]

Sermo 6. [Migne, *P. L.*, LXXXIX. 855.]

Hæc enim sunt capitalia peccata. Sacrilegium quod dicitur cultura idolorum. Omnia autem sacrificia et auguria paganorum, sacrilegia sunt, quemadmodum sunt sacrificia mortuorum defuncta corpora, vel super sepulchra illorum, sive auguria, sive phylacteria, sive quæ immolant super petras, sive ad fontes, sive ad arbores, Jovi, vel Mercurio, vel aliis diis paganorum, quæ omnia dæmonia sunt, et multa alia quæ enumerare longum est,

S. Boniface.

quæ universa, juxta judicium sanctorum Patrum; sacrilegia a Christianis vitanda et detestanda, et capitalia peccata esse dignoscuntur. Homicidium, adulterium, fornicatio, sive cum humana natura, sive cum animalibus et pecoribus, sive masculi cum masculis, sive feminæ cum feminis, ardentes in desideriis invicem. Hæc omnia capitalia peccata sunt. Furta et rapinæ, falsum testimonium, perjurium, detractio, cupiditas, superbia, invidia, odium, vana gloria, ebrietas, ista omnia capitalia peccata esse absque dubitatione comprobantur. Hæc sunt quæ mergunt homines in interitum et perditionem.

[*How to fulfil seven years' penance in one year.*]

[Migne, *P. L.*, LXXXIX. 887.]

De Pœnitentia.

Quomodo possumus pœnitentiam septem annorum in uno anno pœnitere. Triduanam pro triginta diebus et noctibus cantatio psalmorum. cxx Psalteria pro xii mensibus, pro uno die l psalmos et quinque vicibus *Pater noster*. Item: pro uno die quatuor vicibus *Beati immaculati* et sex vicibus *Miserere mei, Deus*, et quinque vicibus *Pater noster* et septuaginta vicibus prosternens se in terra cum *Pater noster* dicat inflectione. Faciat sic pro uno die. Si vult minus psallere, tamen vult patere, prosternat se frequenter in oratione centum vicibus et dicat *Miserere mei Deus et dimitte delicta mea.* Faciat hoc pro uno die. Qui vult confiteri peccata sua, cum lacrymis confiteri debet, quia lacrymæ veniam non postulant, sed merentur. Roget presbyterum ut missas cantet pro se, nisi sint crimina capitalia, quæ debet ante lavare cum lacrymis. Cantatio unius missæ potest duodecim dies redimere: decem missæ quatuor menses; viginti missæ octo menses; triginta missæ duodecim menses possunt redimere. Si vult confessor, esse cum lacrymis. *Deo gratias.*

[*The only clerks to accompany an army were to be chaplains for confession and penance.*]

Concilium Germanicum (A.D. 742).

[Mansi, XII. 366.]

Auctoritate Sancti Bonifacii Ratisbonæ vel Augustæ Vindelicorum celebratum.

Servis Dei per omnia armaturam portare, vel pugnare, aut in exercitum et in hostem pergere omnino prohibuimus: nisi illis tantum, qui propter divinum mysterium, missarum scilicet solemnia adimplenda, et sanctorum patrocinia portanda, ad hoc electi sunt: id est unum vel duos episcopos, cum capellanis et presbyteris eorum Princeps secum habeat: et unusquisque præfectus unum presbyterum, qui hominibus peccata confitentibus judicare, et indicare pœnitentiam possit. . . .

[*The people to be exhorted to confession. None should die without confession.*]

Concilium Baiuwaricum (A.D. 740 × 750).

[*Mon. Ger. Hist., Legum* III. *Concilia* II. 52; Mansi, XIII. 1025.]

C. 2.

Ut a presbiteris ammoneatur plebs Christiana, ut sanctitatem vitæ, quam in baptismo adsumit, studeat omnimodis conservare, ut abstineant se a fornicationis malo, pro quo maximæ istas patimur tribulationes et præssuras, quæ novæ nobis et insolite superveniunt; et ut pœnitentiam veram doceantur facere de omnibus peccatis suis, et non erubescant confiteri Deo peccata sua in ecclesia sancta coram sacerdotibus, qui testes adstant inter nos et Deum, et a quibus documenta et medicamenta salutis nostræ accipere debeamus, quia *qui abscondit scelera sua non dirigitur* in viam salutis. Melius est enim hic in præsenti erubescere in conspectu unius hominis quam in futuro iudicio coram cunctis gentibus. Unde nos, dilectissimi, monet apostolus dicens: *Confitemini alterutrum peccata vestra et orate pro invicem ut salvemini.* Et ne tardent converti se ad dominum Deum ipsorum, quia nescit homo diem exitus sui ut nullus absque viatiquo et absque confessione vitam istam excedat, quia maximum periculum est, ut longum illud iter, ubi ad æternam migramus sive ad mortem sive ad vitam absque viatico faciamus.

[*Priests to be able to use the vernacular with candidates for Baptism, and persons making renunciations or confessions.*]

Statuta quædam (attributed to S. Boniface).

C. 27. [Mansi, XII. 386.]

Nullus sit presbyter qui in ipsa lingua qua nati sunt, baptizandos, abrenunciationes vel confessiones aperte interrogare non studeat: ut intelligant quibus abrenunciant, vel quæ confitentur, et qui taliter agere dedignantur, sed cedat in parochia.

[*The ancient statutes on reconciliation not to be altogether put aside. Priests to reconcile singly after confession.*]

C. 31. [Mansi, XII. 386.]

Et quia varia necessitate præpedimur, Canonum statuta de reconciliandis pœnitentibus pleniter observare: propterea omnino non dimittatur. Curet unusquisque presbyter statim post acceptam confessionem pœnitentium, singulos data oratione reconciliari. Morientibus vero sine cunctatione communio et reconciliatio præbeatur.

Statuta quædam.

[*Reconciliation in sickness.*]

C. 32. [Mansi, XII. 386.]

Qui pœnitentiam in infirmitate petit, et casu, dum ad eum sacerdos invitatus venit, oppressus infirmitate obmutuerit vel in phrenesim versus fuerit: dent testimonium qui eum audierint et accipiat pœnitentiam: et si continuo creditur moriturus, reconcilietur per manus impositionem, et infundatur ori ejus eucharistia. Si supervixerit, admoneatur a supradictis testibus petitioni suæ satisfactum et subdatur statutis pœnitentiæ, quamdiu sacerdos, qui pœnitentiam dedit, probaverit.

[*The holy Fathers (of monasticism) appointed confession of sin to the prior.*]

S. Chrodegang, bishop of Metz (bp. A.D. 742–766).

C. 14. [Migne, *P. L.*, LXXXIX. 1104.]

Regula canonicorum.

Ergo necesse est ut dum modo suadente diabolo multa contra voluntatem Dei, vel contra Dei præceptum, commisimus, ut per veram confessionem, et veram emendationem, sicut Scriptura docet, emendare debeamus. Sancti Patres, qui perfecti fuerunt, ita constituerunt, ut de præsente, cum aliqua cogitatio mala in corde servorum Dei, suadente diabolo, evenerit, statim per humilem confessionem suo priori confiteri deberent.

Nos modo desidiosi et fragiles, quamvis per totum eorum non sequamur, necesse est ut vel ex aliqua parte, juxta quod Deus possibilitatem nobis dederit, eorum vestigia imitemur, ut per veram confessionem regnum Dei habere mereamur.

[*Clerks to confess to their bishop twice a year.*]

C. 14. [Migne, *P. L.*, LXXXIX. 1104.]

. . . Ita constituimus ut in anno, vel binas vices clerus noster confessiones suas ad suum episcopum pure faciat, eis temporibus, una vice in initio Quadragesimæ ante Pascha, illa alia vice a medio mense Augusto usque Kalend. Novembris; inter his diebus cum episcopus licentiam habuerit, et cui necesse fuerit, alio tempore suam confessionem ad episcopum, vel ad alium sacerdotem cui episcopus decreverit facere, quandocunque voluerit et opus habet, faciat.

[*Case of clerks concealing their sins when confessing to their bishop.*]

C. 14. [Migne, *P. L.*, LXXXIX. 1105.]

Et si ullus de clero, quod absit, quando suam confessionem suo episcopo facit, ut sic repletus sit spiritu diabolico quod ausus

S. Chrodegang.

sit de suis peccatis aliqua suum episcopum celare, et vadit quasi per alios sacerdotes suas confessiones donando, et vult suum episcopum abscondere scelera sua, quia timet ut removeat eum episcopus de gradu, et si adhuc in gradu non est, non accedat ad gradum, vel ad corpus Domini, promoveat eum aut illa vitia debeat persequi; si episcopus hoc per quodlibet ingenium investigare potuerit, et approbatum ei fuerit, corporalem disciplinam, vel carcerem, patiatur, vel aliud quod episcopo visum fuerit, juxta modum culpæ, ut cæteri metum habeant, et in tale scelus non cadant, quia nimis improbus est qui ante Dei oculos peccat, et homini confiteri erubescit, ubi Deo miserante de ipso peccato debet accipere consilium sanitatis.

FROM A.D. 650 TO A.D. 950

I. To Charles the Great

Period of Northern missions. Preliminary survey.

The three hundred years from A.D. 650 to A.D. 950 may serve as the next period in this investigation. It is the period which in the history of the Church of the West is conspicuous for successful apostolates to the lands of Northern Europe, and more particularly for the conversion of the English peoples, who were now in possession of the greater part of Britain. That conversion, as all English students are aware, was effected under God partly by Roman and other continental missionaries, and partly by the zealous Keltic emissaries who passed southwards from the monastic centre of Hy or Iona. The Roman and the Keltic churches differed not only in the features which became in that age the subjects of controversy, notably the time of observing Easter and the method of the tonsure : but, as has been seen, their traditional usages in the administration of Penance showed considerable divergence. In England, however, unity was attained in this matter through the acceptance by the whole English church of the private or Keltic system of Penance. And it is in England that are now to be found the points of departure for the further developments of Penance throughout the West.

It has been said that the whole English church accepted the private system. It appears, indeed, that nowhere in the church of the English did the continental system of public penance and of public reconciliation by the bishop find actual observance at any time. In Theodore's *Penitential* it is distinctly stated that "reconciliation in public has not been appointed in this province, because there is also no public penance." [1] It was thus in the absence of any public system of penance or reconciliation that the private or Keltic system was accepted by Theodore, and the penitential which bears Theodore's name rendered the system more comprehensive and complete than it had ever been before. The private system rapidly became the system of the whole English people.

It is in England also that are found the beginnings of the practice of recurring confession as a habit of the devout life for ordinary Christians living in the world. The practice had long prevailed in monasteries throughout Christendom. For persons outside

[1] Theodore's *Penitential*, I. 13.

monasteries it was a new thing. Where, indeed, in the Frankish lands the system of Columbanus had taken root, it may be surmised that private Penance might readily become recurring Penance. But the first clear indication of recurring Penance as a practice prevalent and approved is to be found in the *Dialogue* of Egbert, bishop or archbishop of York from A.D. 732 to A.D. 766. It is there stated that " from the times of pope Vitalian, and of Theodore, archbishop of Canterbury, the custom has been in vogue in the church of the English, and has been regarded as having the force of law, that not only clerks in monasteries, but even laymen with their wives and families, should betake themselves to their confessors " as an annual observance in the days before Christmas.

Thus it will be found that in England during this period the private system of Penance obtains universal acceptance, and also that the recurring use of this system becomes a habit of the devout life.

From England may be followed the development of the private system on the continent of Europe. In the last chapter the investigation found the Keltic or private system of Penance employed in those monasteries of the Frankish lands which were of Keltic origin, and among those persons in the outside world who came within the influence of such monasteries. With the introduction of the penitential of Theodore the practice of private penance spread rapidly. In a large area of the Frankish lands private penance became in time very general, although not yet required by authority: and with the privacy of penance grew also the practice of recurring confession. So long as the confessions of penitents, although private, involved public penance and reconciliation, except in cases of sickness; so long the iteration of Penance was barred by the old prohibitions. But once the publicity of penance was done away, there was nothing to hinder the recurring use of confession as often as priest and penitent were agreed to admit it.

It will be found that on the continent of Europe in addition to the gradual spread of the private system from these beginnings, English missionaries and English scholars now appeared as prominent advocates of the private system.

In the eighth and ninth centuries the system took most hold of the Frankish centres. It found acceptance in the court and in the administrative circle of Charles the Great. By the time of Regino, abbat of Prüm (*d.* A.D. 915), a scheme of episcopal visitation published by him requires every parish priest to be furnished with a copy of a penitential. The penitentials in existence, whether that of Theodore, or that of Columbanus, or others sprung from these, were freely multiplied by priestly hands. Every penitential thus brought into existence was designed to be the priest's handbook for the administration of private penance. In the time of Charles the Great, however, the system appears to have been

unknown in Spain and Southern Gaul, and also in Lombardy outside Bobbio, and in the Italy of the Popes.

The principal difficulty in the way of appreciating the growth of the private system of Penance is the apparent impossibility of imposing that system upon Southern Europe, and more particularly upon Rome, by an impulse from the north. To many members of the Latin Church the suggestion may even seem to be disloyal. Bishop Schmitz, in the earlier of his learned works upon the Penitentials, quite simply states as an object of his undertaking, the importance of showing that the earlier penitentials were of Roman origin, as otherwise particular churches would have imposed their system on the whole, instead of receiving it from an adequate central authority.[1] There can, however, be little reasonable question that it was precisely this which happened. The private system of Penance was in the West first employed in the Keltic churches in the British islands;[2] was afterwards developed in those islands by the *Penitential of Theodore* into the general practice of the church of the English; was on the continent of Europe first strongly supported in the Frankish centres; was from the Frankish centres extended southwards; and last of all the system is found to have laid hold of the regions of the south under circumstances which remain more or less obscure.

In the earlier days of this development the private system does not appear to have found opponents. The bishops and priests, the nobles and knights, the artificers and husbandmen who betook themselves to Columbanus were concerned about their souls; and seem to have raised no questions of procedure. S. Columbanus was the beloved son of S. Gregory in spite of all his Keltic peculiarities. So, too, in England Theodore, as the responsible head of a great church of missionary creation, now first assuming coherent form, deliberately and with his eyes entirely open, chooses or ratifies the private system as the best adapted for his flock, without a trace of question or demur. But when in the Frankish lands the ancient canonical system of public penance and the recently introduced system of private penance were actually administered side by side in the dioceses, there was bound to come a clash. The ninth century is full of it. The five reform councils summoned by Charles the Great in A.D. 813 have interesting echoes of the conflict. The revised penitentials which resulted from the conflict are a marked feature of the period.

By the end of the period now to be reviewed, that is to say by A.D. 950, it may be affirmed that both the private system of penance and reconciliation, and also the practice of recurring confession, have laid hold of all Western Christendom north of the Alps.

[1] Schmitz, Hermann Jos., *Die Bussbücher und die Bussdisciplin der Kirche*, Mainz, 1883, p. 4.

[2] *Confession* appears to have been always private: but in the ancient continental system it was the prelude to public *penance*. On certain cases of public confession reproved by S. Leo, see p. 376.

But these usages are as yet nowhere of universal employment, and they are as yet nowhere imposed by positive enactment. In these two respects the next succeeding period will show a marked development.

The foregoing general sketch briefly outlines the course of the development of penitential practice which may be looked for during the period from A.D. 650 to A.D. 950. Attention may now be turned to the authorities which supply the grounds on which the sketch is based.

England.

It is essential for the right understanding of what happened in England that the student should recall the circumstances of the Christian churches and missions in these islands up to the time of the arrival of Theodore of Tarsus as archbishop of Canterbury (A.D. 668). The ancient Christianity of the Keltic peoples continued in Ireland, in the Scotch centres of Irish origin, in Wales, in Cornwall and Devon, and in Strathclyde. In all the Keltic churches public penance and reconciliation were unknown, and so far as Penance was practised the private system was in vogue.

The Keltic areas.

The Roman areas.

The kingdom of Kent with its sees of Canterbury and Rochester was the seat of the successful mission of the Roman Benedictines under Augustine and his successors to the Jute population. The country north of the Humber, Northumberland, with its sees of Lindisfarne and Hexham, was the seat of the apostolate of Aidan and his companions, Keltic monks from Hy or Iona, whose foundations reproduced all the features of the Keltic churches. Aidan was succeeded by Finan and Finan by Colman. Both of these were monks from Hy. The atmosphere north of the Humber was that of Keltic Christianity.

S. Cuthbert.

In the account given by Bede of the missionary circuits of S. Cuthbert, a glimpse is afforded into the actual practice of Penance in what are now the Scottish lowlands. When the saint was prior of Melrose, he concerned himself not only with the inmates of the monastery, but with the people of the country-side, who had accepted Baptism and afterwards lapsed into heathen practices. The effect of S. Cuthbert's personal address and of his loving words was such "that no one presumed to conceal from him the hidden places of his heart; that all in confession declared openly what things they had done, because they were convinced that these could in no way escape him; and that they wiped away the sins thus confessed by worthy fruits of penance in compliance with his instructions." Here then is Cuthbert, when not yet a bishop, but a priest and prior of Melrose, controlling the course of Penance. He receives the confessions, assigns the penances, and doubtless also determines the reconciliations.

Other leaders of Keltic connexion.

From the Northumbrian church Finan commissioned three Northumbrians, Cedd, Adda, and Betti, and an Irishman named Diuma, to enterprise the conversion of Mercia. Thus the Mercian

church had predominantly the Keltic character. In Essex, whence Mellitus, the Roman companion of S. Augustine, had been expelled, a church of the East Saxons was again initiated by Cedd who had been summoned from Mercia, and who founded monasteries of the Keltic type at Ythanceastir and Tilbury. After various vicissitudes it was again by Jaruman, a bishop from Mercia, that in A.D. 665 the East Saxon people were led back to Christ.

In East Anglia Felix, a continental missionary from Burgundy, is the honoured apostle. It may be concluded with some certainty that any fire of Christian zeal in the Burgundy of that day was not unconnected with the foundations of S. Columbanus. Also it is in East Anglia that we hear of the life and labours of S. Fursey, the Irish monk who, somewhat later, founded the monastery of Lagny, near Paris.

The kingdom of Wessex received its apostle in S. Birinus, a continental missionary from Gaul or Italy, whose work was unconnected with Canterbury. The early history of Birinus may or may not have been related to the Luxeuil fervour. He was succeeded by Agilbert, a native of Gaul, but of whom Bede relates that he "had lived some time in Ireland for the sake of studying the Scriptures." He would therefore be well acquainted with Keltic methods, and although he is found taking the Roman side on controverted points, he would probably be without prejudice against the Keltic penitential system.

Sussex was the last of the Saxon kingdoms to become Christian. Its earliest missionaries were a little band of six Irish monks under their abbot Dicul, who had founded a small monastery at Bosham. They were rather pioneers than achievers, and the glory of the apostolate of Sussex goes to the celebrated Wilfrid, who had been trained at Lindisfarne, and who, if he was conspicuous as the opponent of the controverted usages of the Keltic churches, was probably in sympathy with their penitential system.

No public penance in England.

From this rapid survey it appears that there was nothing very remarkable in the fact noted by Theodore in his penitential that "in this province reconciliation is not publicly ordered, because also there is no public penance." So far as penance was called for and practised the private system of the Keltic churches would be known and accepted, or at least would find no opposition, in the greater part of England. Why the public continental system had not been introduced in Kent, and in such other parts of the country as most reflected continental Christianity, is not so clear. It may have been simply impracticable to impose upon those fierce converts the yoke of penance which was so hardly borne even by the settled communities of the continent. To demand of the English converts as a condition of reconciliation that they should lay aside the use of arms, and abstain from the cohabitation of marriage, might well be outside the possibilities. It may be surmised that, except for public penance, the church of Kent

would rather be found in harmony with the continental usage than with that of the Keltic churches. Death-bed confessions were probably of frequent occurrence, and absolution in these cases would be ministered by a priest. Of private penance during the lifetime there may at first have been none.

However all this may have been, the fact remains that, according to the testimony of Theodore, there was no public penance "in this province." If it may be assumed that by *this province* Theodore meant the whole church of the English, south as well as north, this is a fact of the highest interest. It supplies the key to the part taken by England in the subsequent development.[1]

Theodore.

Theodore became archbishop of Canterbury in A.D. 668. He proved to be a strong administrator, and the most forceful of the primates who had yet occupied the chair of Canterbury. To him more than to any other is due the unity of the English Church. To him, it would seem, is due in hardly less degree the impulse given to the private system of Penance, and to the practice of recurring confession, two developments which were destined to become the usage of all Western Christendom.

Before his appointment Theodore might have seemed a markedly unsuitable person for selection. Born at Tarsus in Cilicia about A.D. 602, his life training had been for threescore years in the churches of the East. The first ascertained fact of his life is his appearance at Rome in A.D. 667. He was "then sixty-five years old, a monk of the Eastern or Pauline tonsure, possibly of the rule of S. Basil, and, if in orders at all, not yet advanced to the subdiaconate."[2] He had become known to the abbat Hadrian, to whom pope Vitalian had offered the archbishopric of Canterbury, and when Hadrian had himself declined the proffered charge, it was at Hadrian's suggestion that Theodore was chosen by Vitalian for the distant archbishopric. Yet we catch the echo of some distrust in Vitalian's condition that Hadrian should accompany Theodore, not only as more familiar with the route to be traversed, but also "that, by acting as his fellow-labourer in teaching, he might keep careful watch to prevent Theodore from introducing anything contrary to faith, after the manner of the Greeks, into the church over which he was to preside."[3]

The great archbishop who was thus by the Divine permission given to Canterbury found himself called upon at once to build up the infant Christianity of the rude English converts, and to reconcile and unify two divergent systems of Church order. His great work of the unification, organisation, and consolidation of

[1] It was not till A.D. 735 that Egbert, *bishop* of York from A.D. 732, received the pall at Rome from Gregory III., thus becoming the metropolitan of the north, and the first *archbishop* of York since the time of Paulinus (*Saxon Chronicle*).

[2] Bishop Stubbs, Art. "Theodore" in *Dictionary of Christian Biography*.

[3] Bede, iv. 1.

the ecclesiastical system need not here detain us. Attention may at once be given to the *Penitential* which bears his name.

The *Penitential of Theodore* purports to give the rulings of the archbishop, but it is not directly the work of his pen. The preface states that the book contains the replies of Theodore "to various persons who questioned him on the remedy of penance." It is stated farther that the main part of the material so furnished was obtained by Eoda the "presbyter of blessed memory," who had questioned Theodore with a Keltic penitential in his hands (*ex Scotorum libello*), and had taken down the archbishop's answers.[1] *Penitential of Theodore.*

The code of penances so framed consists of two books, and occupies about thirty pages in the valuable collection of Haddan and Stubbs. The preface has the interesting statement that a disciple of the Northumbrians (*discipulus Umbrensium*) addresses the book to all English Catholics (*universis Anglorum catholicis*).[1] The editor, of later date than Eoda, is thus a disciple of the north-country teachers; not apparently a Northumbrian himself, but a south-countryman who has studied in the north, and who now commends the work of Theodore with which he has become acquainted to the Catholics of the south not less than of the north. It may be inferred that the work had so far found vogue only in the north. The priest Eoda would seem to have been a north-country priest, who, having in his hands one or more of the fragmentary Keltic penitentials, proceeded to question Theodore *seriatim* from them and to compile an improved penitential from his pronouncements.

It may be concluded that the *Penitential of Theodore* is really the work of Theodore, though not written by him; and that it was mainly taken down by Eoda. Eoda may have consulted Theodore when the archbishop was in the north; or he may have gone southwards to find him: but since it was in the north that the "disciple of the Northumbrians" became acquainted with the book, it is to be understood that it found its first vogue in the north-country, where the private system of Penance would already be employed so far as there was any practice of Penance at all.

It is disconcerting to find that a work of the importance which the *Penitential of Theodore* soon attained is not mentioned by Bede. But archbishop Egbert of York (A.D. 732 to 766) twice in his genuine *Penitential* quotes Theodore by name: and on the second occasion reckons him among the leading authorities on the subject with Paphnutius, Jerome, Augustine, and Gregory.[2] And in the course of the century this penitential bearing the name of Theodore became familiar not only throughout England, but in all the Christian lands of central and northern Europe. In England Haddan and Stubbs, and in Germany Wasserschleben, have no hesitation in accepting the book as the genuine work of the archbishop.

[1] *Preface* to the *Penitential.* [2] *Prologue* to Egbert's *Penitential.*

The *Penitential of Theodore* is in its comprehensiveness of treatment, in its ordered arrangement, and in its fulness of detail, considerably in advance of previous treatises of the same character. It may be of interest to survey the subjects treated.

Subjects of *Penitential.*

In Book I. the headings of the sections or chapters are as follows :—(1) Of Excess and Drunkenness; (2) Of Fornication; (3) Of Furtive Greed; (4) Of the Slaying of Men; (5) Of those who are deceived by Heresy; (6) Of Perjury; (7) Of manifold or varied offences, and of matters not essentially hurtful; (8) Of various lapses of the servants of God; (9) Of those who are degraded (from orders), or who cannot be ordained; (10) Of the twice baptized, how they should do penance; (11) Of those who reject the observance of Sunday, and of the appointed fasts of the Church of God; (12) Of the communion of the Eucharist, or the Sacrifice; (13) Of Reconciliation; (14) Of Penance specially as regards Married Persons; (15) Of the Worship of Idols. In Book II. the headings are :—(1) Of the Service of the Church (*i. e.* the building), or of its Reconstruction; (2) Of the three principal Orders of the Church; (3) Of the Ordination of various persons; (4) Of Baptism and Confirmation; (5) Of the Mass of the Dead; (6) Of Abbats and Monks, or of the Monastery; (7) Of the Ordering of Women, or of their Service in the Church; (8) Of the Customs of the Greeks and Romans; (9) Of the Communion of the Scots and Britons who are not Catholics as regards Easter and the tonsure; (10) Of those vexed by the devil; (11) Of the use or rejection of animals; (12) Of Marriage Questions; (13) Of Slaves and Handmaidens; (14) Of various Questions.

Eastern and Western practice summarised in *Penitential.*

In the matter of Penance Theodore brought to England a wider and more varied experience than would have been the case with any merely Western prelate. In one chapter (I. 13) he briefly summarises the contemporary practice both of Rome and of the Eastern churches.

"*Of Reconciliation.*

1. The Romans reconcile a man within the apse: the Greeks do not.

2. The reconciliation of penitents is effected on the *Cœna Domini*, but only by the bishop, and after the penance has been accomplished.

3. If the bishop has difficulty in officiating, he may accord the power to a priest, to fulfil the function, on the ground of necessity.

4. Reconciliation after this fashion has not been publicly appointed in this province, because there is also no public penance."

Theodore is well acquainted with existing uses. The solemn reconciliation by the bishop among the Romans takes place within the apse of the church. The Greeks have no such custom.

It has been seen that in the Western churches the delegation of the bishop's office in reconciliation had in practice been confined to the sick. In the Eastern churches, or at least in some of them, priests penitentiary acted ordinarily till the abolition of the office at Constantinople by Nectarius: and it would seem that after that date any priest could act upon occasion. Theodore briefly sums up the usage of the whole Church as permitting delegation by the bishop to the priest when necessity required. The important statement that "in this province" neither public penance nor public reconciliation found place has already been noticed. The phrase "in this province," if the *Penitential* was dictated north of the Humber, might perhaps be expected to mean the northern province, which had practised the Keltic usage from the days of Aidan's first mission. But in the time of Theodore the distinction of provinces was in abeyance; and it is most likely that the phrase "this province" must be understood to cover the whole church of the English.

It has been seen that in practice one of the most important of the features which distinguished the Keltic system from that of continental Europe was the general exercise by the priesthood of the function of reconciliation. A prelate of only Western experience, at least if he was unaffected by Luxeuil, might here have found a grave difficulty. Not so Theodore. The case is covered by the recognised principle of necessity where the difficulty is grave. He does not even wish to alter the provincial practice. In some matters he can be rigid enough. Thus he will not recognise the clergy ordained by those Scotch or British bishops who maintain distinctive usages as regards Easter and the tonsure. But, as regards the system of Penance in force, he is prepared to accept it without hesitation. He recites the usages of the Church outside: but he accommodates himself to the usage of the English province, and now constructs a penitential for the use of the clergy which is a great step in advance of any of the fragmentary handbooks so far put forth. In doing this Theodore, while aware of the usage of Rome, would be entirely free from intention to act in opposition to Rome. In the *Penitential* itself it is recorded that he often said that it was his will that the decrees of the Romans should never be altered by him.[1]

Theodore admits the private system, and the priest as its minister.

When Eoda submits to Theodore a series of questions he does so from a Keltic manual (*ex Scotorum libello sciscitasse*). It is interesting to inquire what this manual could be. The parallel passages printed above show that the *Penitential of Theodore* reproduces provisions from the *Penitential of Finian*, from S. David's synod of Lucus Victoriæ, and from Gildas. The book in Eoda's hands may probably have been a book in use at Lindisfarne which preserved all these traditions.

The Keltic manual employed.

[1] *Penitential*, I. v. 2: *qui nunquam Romanorum decreta mutari a se sepe jam dicebat voluisse.*

Some penances.

A section of the *Penitential of Theodore* may be cited as an example of general character.

"I. iv. — *Of the Slaying of Men.*

1. If any have slain a man out of revenge for a relative let him do penance as a homicide 7 or 10 years. If, however, he will render to the relatives the *weregild* (*pecuniam æstimationis*), the penance will be lighter, that is to say, by half the time.

2. If any have slain a man out of revenge for a brother, let him do penance for 3 years: in another place it is said that penance should be for 10 years.

3. But a homicide 10 or 7 years.

4. If a layman have slain another by malice prepense (*odii meditatione*), if he is unwilling to surrender his arms, let him do penance 7 years, 3 years without flesh and wine.

5. If any have slain a monk or a clerk, let him leave his arms and serve God, or let him do penance 7 years. He is within the judgment of the bishop. But he who has slain a bishop or a priest, of him the judgment is the King's.

6. He who has slain a man by the command of his lord, let him withhold himself from the church for 40 days; and he who has slain a man in open war, let him do penance 40 days.

7. If by reason of anger let him do penance 3 years; if by accident, 1 year; if by a potion or any art, 4 years or more; if in a brawl, 10 years."

Some other provisions of Theodore's *Penitential* may be noticed. For intoxication a layman was to do penance fifteen days, a monk thirty days, a priest or deacon forty days.[1] For simple fornication the duration of the penance assigned was a year;[2] for sin with a married woman four years, of which the first two were to be years of continuous, and the last two of partial, penance.[2] For frequent theft the penance was to be of seven years' duration, but this might be abbreviated if restitution was made, and reconciliation effected with the person offended.[3]

General features those of the Keltic system.

The general features of the *Penitential* are those of the Keltic system. Penance is privately performed without any part assigned in the public services of the Church. It consists ordinarily of terms of fasting, more or less rigorous. In the assignment of the term account may be taken of other penalties incurred, as the *weregild*.[4] In the very grave case of the slaying of a monk or a clerk the offender is to lay aside his arms and to serve God, that is to say, in a monastery. The bishop may admit seven years' penance instead.[5] In the case of the intentional murder of one layman by another, it is indicated that it would be suitable for the offender to lay aside his arms, but if

[1] I. i. [2] I. ii. 1. [3] I. iii. 3. [4] I. iv. 1. [5] I. iv. 5.

he declines, he is to do penance for a long term.[1] This is interesting as illustrating the difficulties which would have attended any attempt to introduce the public system of Penance. In offences against the eighth commandment account may be taken both (*a*) of restitution and (*b*) of reconciliation with the person injured.[2]

Throughout the *Penitential* confession of sin seems to be implied. It is obvious that in a large number of cases the offences indicated would only become known through confession. Such confession would certainly be private. There is, however, a remarkable statement in I. xii. 7.

Confession may be made to God alone.

> "But it shall be lawful that, if necessary, confession may be made to God alone. And this *necessarium* is not found in some manuscripts."

The second sentence of this passage is clearly a note by a later transcriber or commentator. Some manuscripts were without the words *si necesse est*. It appears probable, therefore, that Theodore's original statement ran simply as follows:—

> "But it shall be lawful that confession may be made to God alone."

The provision is quite in keeping with the spirit of the Eastern churches of the day. It also has its parallels in the teaching of S. Cæsarius of Arles, and of S. Eligius. It must probably be understood as the intention of Theodore that in the case of a person confessing to God alone the penances prescribed in the *Penitential* would stand all the same.

As regards reconciliation notice has already been given to the statement of Theodore that in case of difficulty to the bishop, a priest might reconcile on the ground of necessity. In I. iii. 8 he notes that

> "According to the Greeks it is lawful for a priest to consecrate a virgin with the sacred veil, and to reconcile a penitent, and to make exorcised oil and chrism for the sick. According to the Romans, however, all this is lawful for bishops only."

Direct instructions for reconciliation by the priest are not given in the *Penitential*, nor is any form or order of absolution prescribed. But in the absence of any provision for solemn reconciliation by the bishop, and in view of Theodore's statement that there was no such reconciliation in this province, it is safe to conclude that the reconciliations contemplated by the *Penitential* were effected by priests, and in private.[3]

[1] I. iv. 4. [2] I. iii. 3.

[3] The marriage provisions of Theodore's *Penitential* reflect in a marked degree the Eastern usage. For a tabulated comparison between Theodore's marriage provisions and the use of the Eastern churches of his day see Watkins, *Holy Matrimony*, p. 418.

Later English penitentials.

Later English penitentials such as the penitential bearing the name of Bede (*Pœnitentiale Bædæ*, before A.D. 735), and the penitential of Egbert, archbishop of York (*Pœnitentiale Egberti*, A.D. 732 × 736), need not be considered in detail. They indicate the continued prevalence of the private system in England.

Not less important in its bearing on the after developments of penance than the general adoption of the private system was the practice of recurring confession as a habit of the devout life, which now began to find general acceptance in England. In a rude community in which a large proportion of persons were apt to lapse into grave offences, while the ancient system of publicly inflicted penance was not in force, it is probable that the acceptance of such penances as those assigned by Theodore, with the confessions almost necessarily involved, would be increasingly urged and insisted on. Yet, however general the urging and insistence might be, a large proportion of persons who needed to repent would be likely to remain outside the operation of the discipline of the Church unless some rule of habitual practice brought them in. And why not have such a rule?

The beginnings of the practice of recurring confession.

The monastic communities had already for some hundreds of years lived under rules requiring habitual confession. The old restrictions against the repetition of penance and reconciliation had fallen into abeyance. Also now that public penance was not practised, penance branded no man with public stigma, nor did it involve him in after disabilities. A rule of general application would benefit many and injure none.

It will accordingly hardly be matter of surprise that in the *Dialogue of Egbert* (between A.D. 732 and A.D. 766), which Haddan and Stubbs accept with confidence, it is stated that

> " since the times of pope Vitalian and Theodore, archbishop of Canterbury, a custom has obtained (*inolevit*) in the church of the English, and has come to be held as having the force of law (*quasi legitima tenebatur*), that not only the clergy in monasteries, but also the laymen with their wives and families should betake themselves to their confessors, and should in these twelve days cleanse themselves by weepings with the bestowal of alms from the association of carnal concupiscence, so that they may the purer partake of the communion of the Lord on the Lord's Nativity."

This appears to be the earliest indication anywhere of habitual confession generally practised in a Christian community. It is immediately the outcome of what were felt to be the special needs of a missionary church among the rude tribesmen of England.

There are some interesting features in the statement of the *Dialogue of Egbert*. First an approximate date is given for the commencement of the practice. It is " the times of pope Vitalian

and Theodore." Vitalian was the pope who appointed and despatched Theodore. He is doubtless mentioned here not on account of any personal share in the new departure, but as an indication of date. Theodore, as in a marked degree the author of the penitential system of England, should rather be credited with a personal part in the introduction of the practice of habitual confession.

Next it is stated that in the two generations which had passed since the days of Vitalian and Theodore the custom had found prevalence (*consuetudo inolevit*), and had come to be held as having the force of law (*quasi legitima tenebatur*). It is to be understood, therefore, that at least by the time of the *Dialogue* (*c.* A.D. 750) the custom of habitual confession had found general acceptance, and was held to be imposed by an authority which carried some measure of moral constraint.

Next may be noticed the indication that, while the custom is of English introduction, it is not confined to any local limits in England, but is a characteristic of the *æcclesia Anglorum*, the church of the English generally. It is indeed the *Dialogue of Egbert*, archbishop of York, which has preserved the memory of the inception of the custom as due to Theodore, archbishop of Canterbury.

Very interesting is the indication that the custom had been that of "the clerks in monasteries," and that this custom was now extended to "laymen with their wives and families." The lines of development are thus shown.

Lastly may be noticed the fact that in this first indication of an annual confession the time appointed is not the period preceding Easter, but that preceding Christmas. The solemn observance of the twelve days before Christmas resembles the Eastern usage, and may be due to Theodore.

Recurring confession first used by ordinary Christians in England,

It is thus "the church of the English (*æcclesia Anglorum*)," which, adapting the Divine commission of loosing and binding to the needs and opportunities of the time and of the people, organises a system of habitual confession and of penitential exercises that so her children may best be brought to avail themselves of the mercies of the Lord. If the system is extraordinarily different almost in every feature from the administration of Penance which prevailed in any of the early centuries, it may yet be asked whether the difference is more striking than that which is discernible between the administration of A.D. 200 and that of A.D. 400; between the age of rigorism and the age of concession. The Catholic student may here again, as in an earlier age, ask whether the many variations in the administration of Penance which the history of the Church exhibits, do not themselves go far to explain and to vindicate the Divine wisdom which committed this high prerogative to human hands to administer

according to the varying circumstances of every age and every land.

There can be no question that the introduction of the practice of habitual confession amounted to a revolution in penitential procedure: and that the first indication of the practice as in use among ordinary Christians is a point of outstanding importance and interest in the history of Penance. Such a practice was indeed no new thing under monastic rules. But the indication of the *Dialogue of Egbert* that "not only the clergy in monasteries, but also the laymen with their wives and families" now adopted the practice of habitual confession records what must be noted as a landmark of the first importance in this history.

which is a missionary region.

As might be anticipated this application of the practice to the faithful living in the world comes into evidence first in a missionary region. It is the ordinary experience of missionaries that the flocks gathered in from the heathen need a closer care, a more detailed rule, a more definite discipline, than is actually in force or would perhaps be suffered in the older Christian communities. An extreme instance of such careful guidance is supplied by the Jesuit missions of Paraguay in the seventeenth century, which appear to have fallen into the error of over-government. It is none the less true that practically every modern missionary organisation, Catholic or Protestant, will be found to exemplify the need of special provisions in the case of a community of recent converts. The same need held good in the missions of northern Europe a thousand years ago, as indeed it had held good from the first. Just as in the third century it was S. Gregory the Wonderworker in far-off Pontus, who with his diocese of young converts initiated the system of graded penance; so in the seventh and eighth centuries it is the missionary bishops and clergy of England to whom is mainly due the first initiation of the practice of recurring confession as a habit of the faithful.

The continent of Europe.

On the continent of Europe in the period from A.D. 650 to A.D. 950 is to be traced a development of the private penitential discipline in addition to or in supersession of the ancient public system. This development may be traced in progress in four different streams. First there is the development of private penance from the beginnings set in course by S. Columbanus and other Keltic founders while these are still unaffected by the penitential of Theodore or by the English influences generally. Next is to be noted the influence of the penitential of Theodore, which was largely adopted in the Frankish lands as it stood, and was largely also drawn upon in the compilation of new penitentials of Frankish production. In the third place should be considered the part played in spreading the private system by the English missionaries to northern Europe, of whom S. Boniface

is the most conspicuous example. And in the fourth place comes the forcible impulse given to the practice under the administration of Charles the Great, largely as a result of the influences exercised by Alcuin and other English scholars. It will be remembered that the English influences will now include the practice of recurring confession for devout people living in the world. The private system of the Keltic teachers had not yet certainly indicated this, although recurring confession was practised as of course by those under monastic rule.

1. The direct Keltic impulse.

The first subject for attention is the development of the private system from the beginnings introduced under Keltic impulse before these are affected by the English influences. The instructions given for the making of a confession by Othmar, abbat of S. Gall, are here of the highest interest. Othmar was by birth an Alleman, and was educated at the Rhætian Curia, now Chur in the Grisons.[1] About A.D. 720 he was constituted abbat of the monastery of S. Gall, and retained the office for forty years. The traditions of the foundation would doubtless be of the Keltic type, although by A.D. 720 it may be supposed that the monks generally no less than Othmar himself were natives of the surrounding districts. Othmar has left a detailed instruction for the making of a confession under the private system of Penance, and as this is the first instruction of the kind addressed to penitents which has yet come under notice, it may be taken to be of considerable importance. Its date may be placed somewhere between A.D. 720 and A.D. 760. It is addressed by Othmar to his disciples (*ad discipulos*), neither to monks only nor to Christians generally, but, as may be understood, to all such persons as came under his influence and jurisdiction, whether religious, penitents, or scholars. The instruction commences as follows :—

> "When thou desirest to make confession act the man and shrink not, because hence comes pardon, since without confession there is no pardon. First prostrate thyself humbly on the ground in the sight of GOD for prayer, and ask of the Lord GOD Almighty and of the blessed Mary with the holy apostles and martyrs and confessors, that these intercede for thee, that the Lord Almighty may deign to give thee perfect insight and a true understanding for confessing thy sins. And afterwards rise with confidence and with real belief say to that servant of GOD to whom thou makest confession : 'I confess to the Lord GOD Almighty, and to His saints, and to thee, the commissioned of GOD, the sins which I have done, from the time I began to have knowledge, in word and in thought and in deed, or in

[1] Walafrid Strabo, *Vita S. Othmari* (*P. L.*, CXIV. 1033).

oaths and perjuries and curses and slanders, or idle words. . . .'" [1]

The catalogue of possible sins will be found printed at length in the Latin. At the close of his enumeration the penitent is to say :—

> "I have confessed to the Lord God Almighty, and to thee the friend and priest of God, and I humbly beseech thee that thou deign to pray for me, wretched and unworthy, that the Lord may of His mercy deign to grant me pardon of my sins." [1]

Here, then, is a definite instruction for the penitent as to his confession. When some poor sinner comes to the abbat of S. Gall in the middle of the eighth century, as other poor sinners had come to S. Columbanus or to S. Gall at the beginning of the seventh, he is now instructed first on the lines of this little manual of procedure. The confession, which is privately made, is made to the priest. It is to begin and to end with the recitation of suitable formulæ, and is to be full and explicit in its detail.

It may be assumed that wherever a monastic centre of Keltic type was to be found in the Frankish lands some such confession as is here indicated by Othmar would be the preliminary to the private penance and private reconciliation which were in use. It will be noted that this represents continental practice at such centres before the *Penitential of Theodore* had been heard of, and before English missionaries and English men of letters were yet known.

2. The influence of the *Penitential of Theodore*.

Next to be considered is the influence exercised on the continent by the *Penitential of Theodore*. Two centuries after the production of Theodore's *Penitential* Regino, abbat of Prüm (*d.* A.D. 915), compiled a series of ninety-six articles of inquiry for episcopal visitations. Of those articles of inquiry the ninety-sixth and last is as follows :—

> "If he have a Roman penitential as put forth either by Theodore the bishop or by the Venerable Bede, so that he may interrogate the person when confessing, and impose the measure of penance on him when he has confessed, in accordance with what is there written." [2]

It thus appears that by the close of the ninth century it was an obvious and reasonable thing for a bishop of the empire, and more particularly of what is now Rhenish Prussia, to ask of a parish priest not only whether he possessed a penitential, but whether it was either the *Penitential of Theodore* or that of

[1] Wasserschleben, *Bussordnungen*, 437.
[2] *Notitia, quid episcopus*, etc., 96, in Wasserschleben's edition of Regino, *De synodalibus causis*, etc., p. 26.

Bede.[1] This implies that in the course of two centuries these English penitentials had found very general acceptance over a considerable tract of country, and that in their original form, or in forms not recognised as changed. It may also be understood that these penitentials found the approval of authority, when, after a period of acute controversy which will be presently considered, various other forms of penitential had been disapproved. The requirement to possess one of these penitentials made by the bishop of the parish priest shows at once the general adoption by A.D. 900 of the private system of Penance, and the important part played by the English penitentials in connexion with it.

While, however, it thus appears that the actual penitential of Theodore found widespread acceptance, there also sprang into existence during this period a considerable number of other penitentials, which employed the penitential of Theodore as one of several sources. Before the subject of penitentials received notice from authority it may be supposed that any priest or any community of monks or canons would provide themselves with a penitential by the simple process of copying any such document which was at hand and in favour. This process of copying would become a process of selection and compilation where there were several sources at hand which could be utilised. A variety of such penitentials exist. In Wasserschleben's valuable work, *Die Bussordnungen der abendländischen Kirche*, he has edited several such composite penitentials, each of which makes some use of the work of Theodore. Such are the penitentials which are styled by Wasserschleben *Pœnitentiale Merseburgense* (a) and *Pœnitentiale Merseburgense* (b). These are penitentials based upon Columbanus with some admixture of Theodore. Others are the *Pœnitentiale Bigotianum* and the *Pœnitentiale Cummeani*, which employ a variety of sources, also with considerable use of Theodore. On the *Pœnitentiale Cummeani* again are based various other penitentials which Wasserschleben styles *P. Vindobonense* (b), *P. Remense*, *P. xxxv. Capitulorum*. It is unnecessary here to study these various penitentials in detail. For the present inquiry it is sufficient to note that every one of them is evidence of the spread of the private system of Penance in the hands of the second order of the ministry, whose handbooks these penitentials were: and also evidence of the spread of the actual *Penitential of Theodore*, which is employed in greater or less degree by all the penitentials here enumerated.

3. The English missionaries.

The influence of English missionaries in the matter of penitential practice may next be noticed. The practice of the church of England would in the natural course be spread by the fervent

[1] *penitentialem Romanum vel a Theodoro episcopo aut a venerabili Beda editum.* The Latin of these centuries is not always clear. Some may prefer to understand a threefold liberty of selection: (*a*) the *Pœnitentiale Romanum*, (*b*) the *Penitential of Theodore*, (*c*) the *Penitential of Bede*.

missionaries of that church, who carried the faith of Christ to the peoples of northern Europe. It will be remembered that English practice will now mean not only the private system, but its recurring use. S. Boniface, otherwise Winfried of Crediton, the great apostle of Germany, and from A.D. 743 archbishop of Mainz, had set out on his missionary labours a few years (*c.* A.D. 716) before the date of the *Dialogue of Egbert*. S. Willibald, an Englishman brought up perhaps at Bishop's Waltham, after travels in Palestine and ten years in Monte Cassino, was in A.D. 741 consecrated by Boniface as bishop of Eichstädt. S. Willehad, first bishop of Bremen, was born *c.* A.D. 730 in Northumbria, and crossed to Frisia in A.D. 770. S. Willebrord, archbishop of Utrecht, born in the north of England *c.* A.D. 658, or a few years before the appointment of Theodore, would know no other system of penance but the private system, but may perhaps have been rather acquainted with habitual confession as a monastic than as a general practice. It may be said of all the great English missionaries of that age that they would be likely from their home training to favour the extension of the system of private penance, while most of them would also be prepared to approve and extend the practice of habitual confession. The same would be true of the devoted Englishwomen who then, as now, had their noble part in the apostolic enterprises of their countrymen. Such were S. Lioba, abbess of Bischofsheim (*c.* A.D. 748–779), and S. Walpurga, sister of S. Willibald, abbess of Heidenheim (*c.* A.D. 750–780).

S. Boniface.

Some direct evidence can be given as to the teaching of S. Boniface. In his fourth *Sermon*, after some remarks on the advantage of confession, he goes on to say :—

> "And it is better to confess our sins to one man than to be made manifest in that tremendous judgment before the three families of heaven and earth and hell, and to be confounded for our sins, not for amendment, but for punishment perpetual."

Thus there is present to the mind of S. Boniface confession to one man, that is to say, the priest.

In a German council held by the authority of S. Boniface either at Ratisbon or at Augsburg in A.D. 742 the clergy were strictly forbidden to bear arms or serve as combatants, and it was laid down that the only clergy to attend an army were to be those officiating as chaplains, who were needed for the hearing of confessions.

> "And each commander (*præfectus*) to have one priest, who for the men confessing to him may judge of sins and indicate penance."

In the *De Pœnitentia* S. Boniface has a paragraph, which is found copied in several of the penitentials, in which he gives

instructions as to the commutation of penances anciently prescribed in such sort that seven years' penance may be fulfilled in one year. Thus a hundred and twenty recitations of the Psalter may stand for twelve months' penance. For one day's penance fifty Psalms and five repetitions of the Paternoster may be accepted. In this table of commutation may be discerned an attempt to reconcile the letter of ancient rule with the realities of present exigency.

In one of the letters of S. Boniface an incident is described which appears to have some bearing on the subject of confession. The letter was written to Pope Zacharias in A.D. 744. In it complaint is made of a heretical bishop named Adalbert. This man, who was of Gallic stock, was claiming to exercise the office of a bishop somewhere within the province of S. Boniface. He appears to have been a charlatan who sought to impose upon the people by the vulgar assertion of supernatural powers. He had represented that an angel of GOD in the form of man had brought him from the ends of the earth relics of a marvellous sanctity, and that these enabled him to obtain of GOD whatsoever he might demand; like the pretenders of an earlier age he had led captive silly women; and he had misled a crowd of country people who took him for a man of apostolic holiness. Then he had prevailed on unlearned bishops to consecrate him a bishop. As a bishop he had dedicated oratories to bear his own name. He gave the people the clippings of his hair and nails to treasure. And last and greatest fault (*quod maximum scelus et blasphemia contra Deum esse videbatur*) he said to the people when they were come and were prostrate before his feet, and desired to confess their sins, "I know all your sins, because all hidden things are known to me. There is no need to confess, but your past sins are put away: return to your homes in peace, secure and absolved." [1]

It thus appears that the people of these districts had been taught to come to their clergy to confess their sins, and that they were doing this. Are we to see here the influence of S. Boniface and his companions? Certainly in declining to hear their confessions Adalbert was acting in a way directly opposed to the convictions and wishes of S. Boniface, and he must have known this. We seem to catch the echoes of a conflict of opinion, in which this man Adalbert seizes the opportunity to voice the mind of the anti-Boniface party.

Putting aside conjectures, it is sufficiently clear that S. Boniface approved and recommended confessions.

At a Bavarian council held some time between A.D. 740 and A.D. 750, it is enjoined (Can. 2) that the clergy teach the people to exercise real penitence for all their sins, and not to shrink from confessing their sins to GOD in the holy church in the presence

[1] *Epist.* 57.

of the priests, who stand as witnesses between us and God.[1] The statement of Boniface is repeated that it is better to blush now in the sight of one man than in the future judgment in the presence of all peoples.

Statuta quædam.

The *Statuta quædam* attributed in Mansi to S. Boniface are probably of somewhat later date. The reference to the emperor (*imperatori*) in Can. 11 would better suit the times of Charles the Great. In Can. 27 priests are to be able to use the vernacular with candidates for baptism and with persons making renunciation or confession. In Can. 31 is an important reference to the state of contrast which had arisen between the ancient canons and the existing practice.

> "And because we are urged by various necessity to observe fully the statutes of the canons concerning the reconciliation of penitents; on this account let such observance not be altogether put aside. Let each priest take care immediately after receiving the confessions of penitents that each shall be separately reconciled with the assigned prayer. But for the dying let communion and reconciliation be afforded without delay."[2]

This enactment is of considerable interest. The ancient provision of the canons is traditional in the older German churches, such provision doubtless requiring that public penance should be assigned to offenders, and public reconciliation be made by the bishop in due course. The canons are not to be formally set aside; but they are, in fact, to be superseded by the system of private penance, with private reconciliation by a priest. Such reconciliation not being made by the bishop in a public solemnity, penitents are not to be assembled for the purpose of reconciliation, but each is to be reconciled by the priest immediately after his confession. It should not be overlooked that this reconciliation by the priest immediately after the confession meant reconciliation before the penance was accomplished. This is another important feature of change. The "assigned prayer" probably indicates the prayers of reconciliation from the Roman Sacramentaries which had already been embodied in the *Penitentiale Romanum*.

S. Chrodegang and the canons regular.

Before proceeding to the consideration of the influence of the English scholars at the court of Charles the Great, notice may here be given to the institution of canons regular by S. Chrodegang, which marks an important development of the practice of confession in the case of the clergy. In ancient times, as has been seen, the clergy were not admitted to penance at all; but were instead for grave offences degraded from clerical office, and placed

[1] The canons of this council were first published by Mansi (XIII. 1025), but without any clear indication of place or date. They are now accepted as the canons of a Bavarian council of this period, held probably under Odilo (Hauck, ii. 437, note).

[2] *Statuta quædam*, 31.

among the laity. In Spain in the time of S. Isidore (A.D. 600–636) it was still the case that priests and deacons made their acknowledgment of sin "without loss of their dignity, GOD alone being witness." The *Capitula Theodori*, which Wasserschleben regards as of earlier date than the *Penitential*, and which, if this be so, may represent English usage about half a century later than Isidore, state that the clergy of all ranks ought to make their confessions. The private system of penance used in England would make the rule of easier acceptance. Under the guidance of S. Chrodegang the use of confession by the canons of his institution is now in the eighth century severely ordered.

Chrodegang was born early in the eighth century in Brabant. He appears to have been employed in various civil offices, but to have been advanced to the bishopric of Metz in A.D. 742. In A.D. 752 he is found undertaking an important embassy to the Pope on behalf of Pepin and his nobles. As a bishop he appears to have been an able and energetic administrator. But his name is chiefly remembered in connexion with the institution of regular canons which he founded. The secular and degraded condition of the clergy in the eighth century has already been referred to as one of the most bitter troubles of S. Boniface. Chrodegang dealt with the same evil from the standpoint, not of a foreign missionary, but of a native bishop of the Frankish lands.

In S. Chrodegang's view the remedy for the clerical decadence of his day was that in the cities at least the clergy should live together in common under the eye of their bishop. This was not a new ideal in the Church, but it was now newly revived. And the principle upon which S. Chrodegang acted was that the rule of S. Benedict, which had proved so excellent for monks, was the best model from which to start in the regulation of his canons. It may be remembered that while the most fervent monasteries of the Frankish and German lands were of Keltic foundation and character, the superiority of the rule of S. Benedict had obtained general recognition after no long time. In the rule of S. Benedict there would be features quite unsuited to a community of canons: but there were other features which might well be adopted by those who professed to lead a common life of some severity.

In the *Regula canonicorum* Chrodegang thus applies to his canons the monastic requirement of confession to the prior:—

> "Therefore it is necessary that inasmuch as under the suasion of the devil we have committed many things contrary to the will of GOD, or to the command of GOD, we should set this right as the Scripture teaches by true confession and true amendment. The holy Fathers,[1] who were perfect, ordained in this wise that when any evil thought had come into the hearts of the servants of GOD, they should on occurrence immediately confess it by humble confession to the prior.
>
> [1] Of monasticism.

> But for us who are slack and frail, although we may not follow them in all their course, it is necessary that we should tread their steps in some measure as God has given us capacity, so that we may by true confession merit to have the Kingdom of God. Accordingly we ordain that every year, or twice in the year, our clergy do make their confessions sincerely to their bishop at these times; once at the beginning of the forty days before Easter, and the other some time between the middle of the month of August and the Kalends of November: that at these times when the bishop is at liberty, and at any other time, if it be necessary for any, each should make his confession to the bishop, or to some other priest whom the bishop shall appoint for the work, whensoever he desires and has occasion."[1]

Chrodegang thus adopts for the canons the monastic rule of confession; a rule which required confession not merely to any priest, but to the person's own superior. For the monks of S. Benedict the rule had indicated the prior. For the canons the rule of S. Chrodegang now indicates the bishop, or on occasion some priest appointed by the bishop to act on his behalf. How greatly this requirement enhanced the severity of the confession will be readily appreciated. If confession to the bishop personally had come to be in fact the rule, it would hardly have been found tolerable. Already in the rule itself we find Chrodegang making provision that, if any of the clergy when confessing to their bishop conceal any of their offences from the apprehension that the bishop will degrade them or decline to advance them, they shall be liable to corporal discipline or to imprisonment.

Also it is to be noticed that not only are S. Chrodegang's canons required to make their confessions, and to make them to the bishop or to his deputy, but they are required to make confessions of periodical recurrence. They are to confess at least every year, or twice in the year, and oftener if occasion demand.

It will have been remarked that these regulations as to the confessions of the clergy are avowedly based, not on ancient penitential practice, but on the rule of the monks of S. Benedict, whose confessions were practised not with a view to the Penance of the Church, but by way of a habit of the devout life. But synchronising as they do with the extension of the system of private penance among the laity, the regulations of S. Chrodegang may be taken as evidence that clergy as well as laity are now admitted to the private system of Church Penance, and to the recurring use of it. For the future, in fact, it will not be possible, speaking generally, to make any discrimination of procedure between clergy and laity. The interesting provisions of the *Capitularies* of Theodulf of Orleans will, however, shortly call for attention.

[1] C. 14.

XIII. FROM A.D. 650 TO A.D. 950

II. Charles the Great and after

Text of Authorities

Alcuin (c. A.D. 735–804).
Theodulf, bishop of Orleans (bishop A.D. 797–821).
Karoli Magni Capitularia (A.D. 802).
Interrogationes examinationis (c. A.D. 803).
List of documents to be learned by the clergy (c. A.D. 803).
Einhardi Annales.
The Reform Councils of A.D. 813.
Council of Arles.
Council of Chalon.
Council of Tours.
Council of Rheims.
Council of Mainz.
Capitulare Aquisgranense (A.D. 813).
Capitula Ecclesiastica (c. A.D. 813).
Sixth Council of Paris (A.D. 829).
Jonas, bishop of Orleans (bishop A.D. 821–843).
Fulda formula of confession (c. A.D. 830).
Ebbo, archbishop of Rheims (c. A.D. 830).
Halitgar, bishop of Cambray (c. A.D. 830).
Rabanus Maurus, archbishop of Mainz (archbishop A.D. 847–856).
Rodulfus, archbishop of Bourges (c. A.D. 850).
Council of Mainz (A.D. 847).
Hincmar, archbishop of Rheims (c. A.D. 805–882).
Council of Mainz (A.D. 852).
Council of Worms (A.D. 868).
Council of Tribur (A.D. 895).
Regino, abbat of Prüm (died A.D. 915).
Paulinus, patriarch of Aquileia (c. A.D. 794).
Council of Pavia (A.D. 850).
Atto, bishop of Vercellæ (c. A.D. 945).
Nicholas I. (pope A.D. 858–867).

[*Among the Goths in their province* (*Septimania*) *it is not the custom for the laity to make confession to the priests. Exhortation to use the remedy of reconciliation.*]

Alcuinus (*c.* A.D. 735–804).

Ep. 112. [Migne, *P. L.*, C. 337.]

Ad fratres in provincia Gothorum.

Nos quoque mutuo charitatis officio vestræ sanctitati aliquantulas piæ admonitionis litterulas dirigere curavimus, propter quasdam consuetudines, quæ vestris inoluisse feruntur regionibus. Dicitur vero neminem ex laicis suam velle confessionem sacerdotibus dare, quos a Deo Christo cum sanctis apostolis ligandi solvendique potestatem accepisse credimus. Quid solvit sacerdotalis potestas, si vincula non considerat ligati? Cessabunt opera medici, si vulnera non ostendunt ægroti.

. . . . . .

Si dicis: *Bonum est confiteri Domino:* sed bonum est hujus confessionis te habere testem. . . . Erubescis homini in salutem tuam ostendere, quod non erubescis cum homine in perditionem tuam perpetrare? Ancillam tuam iniquitatis tuæ consciam vis habere, et sacerdotem Christi reconciliationis tuæ non vis habere adjutorem? Per inimicum corruisti, et non vis per amicum resurgere? Multum offendisti Dominum tuum, et alium non vis habere reconciliatorem, nisi te ipsum?

. . . . . .

Nonne in sacro baptismate sacerdotibus Christi nostræ fidei confessionem et abrenuntiationem Satanæ dare debemus, et sic sacerdotali ministerio, divina operante gratia, ab omnibus ablui peccatis? Cur etiam et in secundo pœnitentiæ baptismate, per confessionem humilitatis nostræ, ab omnibus post primum baptisma peractis, eadem divina miserante gratia, sacerdotali similiter auxilio non debemus absolvi peccatis.

Si peccata sacerdotibus non sunt prodenda, quare in Sacramentario reconciliationis orationes scriptæ sunt? Quomodo sacerdos reconciliat, quem peccare non novit? Si consiliis, juxta Salomonem, tractanda sunt bella, quali audacia sine consilio ecclesiasticorum ducum pugnare nos adversus diabolum confidimus. Item, eo dicente, legimus: *Frater, qui adjuvatur a fratre, quasi civitas firma est.* Quem adjuvat sacerdos Christi dux exercitus Dei et rector castrorum illius, si nullus ab eo suæ salutis auxilium quærere dignatur, si nemo occulta diabolicæ fraudis vulnera illius medicinali dexteræ tractanda ostendit.

Inaniter itaque posita sunt in Ecclesiis remedia, et synodali auctoritate litteris mandata contra omnia peccatorum nostrorum vulnera, quæ vel antiqui hostis versutia, vel negligentia mandatorum Dei spiritaliter aut carnaliter nobis infliguntur; si non his qui in ecclesia Christi statuti sunt ad sananda putrida scelerum nostrorum ulcera, revelantur.

Alcuinus.

[*The masters to encourage confession.*]

Opusculum 7. [Migne, *P. L.*, CI. 651.]

De confessione peccatorum ad pueros Sancti Martini.

Exhortamini illos, sobrie, caste, pudice, cum omni humilitate et obedientia Deo servire in bonis moribus, et sancta conversatione, et religiosa castitate, et maxime de confessione peccatorum suorum: quia multæ sunt contra adolescentulos diabolicæ fraudis insidiæ in desiderio carnali et cæteris adolescentiæ vitiis.

[*Advantage of confession. Exhortation to confess.*]

[Migne, *P. L.*, CI. 651.]

Sed nihil, Deo donante, proficit in sua diabolus malitia, si puram volunt juvenes facere confessionem, et fructus dignos pœnitentiæ agere, id est, ut vulneribus vulnera non superadjiciant, et sanata non resaucient. [Salutare] siquidem pœnitentiæ est remedium pœnitenda iterum non perficere. Scriptum est enim: *Pœnitentibus Deus dedit partem justitiæ.* Age, igitur, pœnitens, propria scelera confitere, pande per confessionem tuæ iniquitatis secretum. Nota sunt Deo quæ in occulto fecisti: quæ si non dixerit lingua, non poterit celare conscientia.

[*All will be forgiven, if confessed.*]

[Migne, *P. L.*, CI. 651.]

Crede mihi totum veniale erit, quod peccasti, si confiteri non erubesces et per pœnitentiam purgare curaberis, dicente psalmigrapho: *Dixi adversum me injustitias meas Domino, et tu remisisti impietatem peccati mei.* Exspectat Dominus a nobis confessionis sacrificium, ut præstet nobis delectabile indulgentiæ munus, *qui vult omnes homines salvos fieri* et neminem perire. . . .

[*The students of S. Martin's at Tours exhorted to use confession.*]

[Migne, *P. L.*, CI. 655.]

Idcirco, charissimi filii, festinate ad confessionis medicamentum. Aperite vulnera in confessione, ut medicamenta salutis proficere valeant in vobis. . . . Concurrite per pœnitentiam ad clementissimam omnipotentis Dei pietatem. Nolite per desideria carnis vestræ perdere gaudia cœlestia, et æterni regni inter angelicos cœtus beatitudinem; sed confortate vosmetipsos et viriliter [agite et] pugnate cum adversario vestro, ut fideliter mereamini coronari cum sanctis Dei, et perpetuam cum illis possidere gloriam. Et vos, sanctissimi hujus familiæ magistri et patres, docete filios vestros pie, sobrie, et caste vivere coram Deo in omni humilitate, obedientia et sanctitate, et puram facere sacerdotibus Christi confessionem peccatorum suorum, et pœnitentiæ lacrymis abluere sordes luxuriæ carnis, nec eas iterum repetere quia posteriora vulnera pejora sunt prioribus. . . .

Alcuinus.

[*The same letter sent to the lads under Archbishop Arno (Salzburg).*]

Ep. 102. [Migne, *P. L.*, C. 402.]

Ad Arnonem Archiepiscopum.

Rogavit me Magus[1] meus in litteris dilectionis suæ, sive vestra mandante auctoritate, vel propria instigante voluntate, epistolam de confessione vel pœnitentia dictare. Sed illam direxi, quam pridem habui, filiis sancti Martini, quorum est multitudo magna, dictatam atque conscriptam; quæ sola vestris quoque juvenibus sufficere posse arbitror.

[*The clergy to exhort the people to confession.*]

Ep. 94. [Migne, *P. L.*, C. 300.]

Ad Arnonem.

Hortenturque singuli ad confessionis puritatem, ad pœnitentiæ compunctionem: quia hoc secundum baptisma est in ecclesia, ut qui post primum erraverit in aliquo delicto, in hoc secundo corrigatur.

[*A sick "son" exhorted to confession.*]

Ep. 188. [Migne, *P. L.*, C. 460.]

Ad Filium Ægrotum.

Hæc spes te consoletur, charissime fili, et si quid sæculi in tuam deveniat potestatem, quasi obsides pacis præmitte ad Dominum, et diligenter minutissimas quasque verborum et cogitationum, imo et factorum sordes apud confessorem fidelem et prudentem, secundum tuam conscientiam, purifica, ut nihil remaneat, in quo malignus te apud summum Judicem habeat accusare.

[*Riculf, about to accompany the emperor on his campaign in Saxony, is counselled to make confession, give alms, and obtain prayers.*]

Ep. 44. [Migne, *P. L.*, C. 210.]

Ad Damœtam Filium.

Sed valde sollicitus sum de itinere tuæ profectionis in hostem, quia plurima solent in talibus evenire pericula rebus. Tamen qui justitiam habet eundi et pro Deo decertandi, fiduciam potest habere de auxilio illius, pro cujus amore tantum subire laborem non formidat. Tu vero iter tuum confessione confirmare, eleemosynis roborare, orationibus servorum Dei undique munire memento: ut angelus Domini te inter omnia adversa tueatur et comitetur, quatenus cum securitate vadas et cum pace revertaris.

[1] Magus was the palace name of Adalbert, afterwards abbat of Ferrières, Archbishop Arno himself had been known as Aquilo.

Alcuinus.

[*If any have sinned by the frailty of the flesh, let him wash his sin away by confession.*]

Ep. 14. [Migne, *P. L.*, C. 165.]

Ad fratres Wirensis et Gyrvensis ecclesiæ.

Si quid peccati pro fragilitate carnis commiserit, abluat confessione, deleat pœnitentia, ne damnetur in pœna, sed coronetur in gloria.

[*The monks of Fulda to warn their young men to make confession of their sins.*]

Ep. 142. [Migne, *P. L.*, C. 384.]

Ad fratres Fuldenses (A.D. 801–802).

Adolescentulos vestros admonete, instruite, docete in omni disciplina sancta et doctrina catholica, ut digni habeantur in loco vestro stare, et orationes pro vobis dirigere, ubicumque maneatis. Admonete eos de castitate corporis, de confessione peccatorum suorum, de lectionis studio et labore manuum sine murmuratione, et de omnibus rebus, quæ tali ætate necessaria videantur.

[*Confession of value for all, monastic or secular: and while life lasts.*]

Ep. 225. [Migne, *P. L.*, C. 502; *Mon. Ger. Hist., Epist.* IV. 438.]

Ad fratres in Hibernia (A.D. 792 × A.D. 804).

Nobilissimis sanctæ Ecclesiæ filiis, qui per latitudinem Hiberniensis insulæ Deo Christo religiosa conversatione et sapientiæ studiis servire videntur, humilis Levita Alchuinus perpetuæ prosperitatis in Domino salutem.

Singuli humilitatem habeant in discendo, et devotionem in docendo, et diligentiam in misericordiæ operibus ad pauperes et miseros: nullusque senior sive junior, sæcularis vel monasterialis, vir aut femina sua erubescat confiteri peccata, atque per pœnitentiam emendare, quicquid contra Dei voluntatem fecisset. Melius est habere unum hominem testem peccatorum suorum in salutem animæ suæ, quam spectare accusationem diabolicæ fraudis ante Judicem omnium sæculorum, et ante angelorum choros, et totius humani generis multitudinem. Dum vero homo vivit in hoc sæculo, fructuosa est confessio et pœnitentia: in futuro scilicet judicio pœnitentia erit peccatorum, sed non fructuosa, quia unusquisque judicabitur secundum opera sua.

[*The difference between confession to a priest and confession to God only.*]

Theodulf of Orleans (*c.* A.D. 797).

Capitulare I., C. 30. [Mansi, XIII. 1002; Migne, *P.L.*, CV. 200.]

Quia confessio, quam sacerdotibus facimus, hoc nobis adminiculum affert, quia accepto ab eis salutari consilio, saluberrimis pœnitentiæ observationibus, sive mutuis orationibus, peccatorum maculas diluimus. Confessio vero quam soli Deo facimus, in hoc juvat, quia quanto nos memores sumus peccatorum nostrorum, tanto horum Dominus obliviscitur: et e contrario, quanto nos horum obliviscimur, tanto Dominus reminiscitur. . . .

[*In confessions sins are to be particularised.*]

C. 31. [Mansi, XIII. 1002; Migne, *P. L.*, CV. 201.]

Confessiones dandæ sunt de omnibus peccatis, quæ sive in opere, sive in cogitatione perpetrantur. Octo sunt principalia vitia, sine quibus vix ullus inveniri potest. Est enim gastrimargia, hoc est ventris ingluvies; secundo fornicatio; tertio acedia, sive tristitia; quarto avaritia; quinto vana gloria; sexto, invidia; septimo, ira; octavo superbia. Quando ergo quis ad confessionem venit, diligenter debet inquiri quomodo aut qua occasione peccatum perpetraverit, quod peregisse se confitetur, et juxta modum facti debet ei pœnitentia indicari. Debet ei persuaderi, ut et de perversis cogitationibus confessionem (faciat). Debet ei etiam injungi, ut de octo principalibus vitiis faciat suam confessionem, et nominatim ei debet sacerdos unumquodque vitium dicere, et suam de eo confessionem accipere.

[*Confessions to be made to the priests before Lent.*]

C. 36. [Mansi, XIII. 1004; Migne, *P. L.*, CV. 203.]

Hebdomada una ante initium quadragesimæ confessiones sacerdotibus dandæ sunt, pœnitentia accipienda, discordantes reconciliandi, et omnia jurgia sedanda: et dimittere debent debita invicem de cordibus suis, ut liberius dicant: *Dimitte nobis debita nostra, sicut et nos dimittimus debitoribus nostris*, et sic ingredientes in beatæ quadragesimæ tempus, mundis et purificatis mentibus ad sanctum pascha accedant, et per pœnitentiam se renovent, quæ est secundus baptismus. Sicut enim baptismus peccata, ita pœnitentia purgat. Et quia post baptismum peccator denuo non potest baptizari, hoc medicamentum a Domino pœnitentiæ datum est, ut per eam vice baptismi peccata post baptismum diluantur.

[*Priests to prepare themselves to receive confessions and to indicate penances.*]

Capitulare II. [Migne, *P. L.*, CV. 211.]

Mundo se corpore et mente Deo præparent de confessionibus fidelium accipiendis et dijudicandis, consiliis blandis; quia licet

Theodulf of Orleans.

pro modulo quantitate peccati se pœnitentiæ tempus instituendum et longum vel breve vel districtum vel leve vel mediocre sacerdoti, cum accipit cujuslibet fidelium confessionem peccatorum; quia licet ipsum peccatum perpetratum sit, aut si postea iteratum aut frequenter perpetratum sit, si sponte, si coacte, si per ebrietatem et per quodlibet ingenium factum sit; ut cum invenerit unde radix illius peccati processit, tunc congruam adhibeat medicinam.

[*Penances to be according to the canons of the genuine Fathers and Holy Scripture, and not according to human caprice.*]

[Migne, *P. L.*, CV. 211.]

Qualiter vero peccati adhibenda sit medicina, secundum canones authenticorum sanctorum Patrum esse debet, et non secundum placitum hominis, nec secundum voluntatem; nec in hac parte, aut gratia hominis sectanda, sed voluntas Dei in omnibus exquirenda in Scripturis sanctis, quatenus dignis precibus et pœnitudine digna placari possit omnipotentis Dei vindicta, quam homo suo vitio provocavit.

[*Confession and penance conceded by God for sin after baptism.*]

[Migne, *P. L.*, CV. 211.]

Et cum salutaribus institutis sacrosancto baptismate in remissionem omnium peccatorum concesso abluamur, tamen quia per modum istius vitæ cursum sine vitiorum turbine nequaquam degere et subripientibus nostræ imbecillitatis flagitiis vitam sine peccati macula ducere non possumus, concessum est clementissimi Dei pietate remedium veræ confessionis et pœnitentiæ ablutio peccatorum, Domino præcipiente per prophetam. . . . Est quippe veræ confessionis fructuosa pœnitentia, pœnitenda non admittere, admissa cum gemitu cordis deflere, satisfactione vera pœnitentiæ causas excidere, nec earum suggestionibus aditum indulgere, nec iterum in vitiis perpetratis delabi.

[*For capital sins let there be public and canonical penance. Yet these may be met by private penitence. Let the priest determine the mode of penance. The authority of Canons and Fathers.*]

[Migne, *P. L.*, CV. 211.]

Capitalia et mortalia crimina publice deflenda sunt secundum canonum et sanctorum Patrum institutionem. Sed et secreta satisfactione solvi mortalia crimina non negamus, mutata tamen prius animi intentione, et sæculari jactantia simul deposita, piæ religionis confesso studio, per vitæ correctionem et jugi, imo perpetuo luctu se submittente. Nec debet tamen quisque desperare de omnipotentis Dei misericordia et innumera pietate, quia

Theodulf of Orleans.

scriptum est *Peccator quocunque die conversus fuerit ab errore viæ suæ, et declinaverit ab operibus malis, omnes iniquitates ejus in oblivione erunt.* Pœnitentiæ quippe modus in sacerdotis pendet arbitrio. Qui sacerdos diligentissime sanctorum Patrum instituta discutiens et intelligens, secundum eorum auctoritatem confitentibus pœnitentiam indicere debet. Est quippe auctoritas canonum et sanctorum Patrum firmissima institutio.

[*For private sins privately confessed a priest may do penance privately. He may, if he see fit, continue to exercise his office.*]

[Mansi, XIII. 1015; Migne, *P. L.*, CV. 215.]

Adulterium, si quis presbyter perpetraverit sive palatum et publice cognitum, ab ordine sacerdotali cessabit et publica pœnitentia x annorum purgabitur. Quod si occulte hoc fecerit et occulte ad confessionem venerit, occulte ei pœnitentia imponatur. Relinquatur autem in suo arbitrio, utrum cessare debeat ab illo ministerio, an permanens possit dignam satisfactionem Domino exinde facere. Quod si ille se lacrymis et orationibus devotissime quotidie laverit et eleemosynarum exhibitione peccata sua extinguere curaverit si occultum est, poterit occulte in suo permanens gradu agere pœnitentiam. Fornicationem si perpetraverit, eodem modo purgabitur septem annis. Si vero sodomitice, id est, cum masculo collapsus sit, eodem modo xv annis expiabitur.

[*All priests are to indicate suitable penances for those confessing to them.*]

Karoli Magni Capitularia.

[*Mon. Ger. Hist., Legum*, Sec. II. *Capitularia Regum Francorum, Tom.* I. 107.]

Cap. 36. (*Capitula a sacerdotibus proposita*, A.D. 802.)

§ 21. Ut cuncti sacerdotes omnibus illis confitentibus eorum crimina dignam pœnitentiam cum summa vigilantia ipsis indicent, et omnibus infirmis ante exitum vitæ viaticum et communionem corporis Christi misericorditer tribuant.

[*Clergy to be examined as to their conduct of confessions.*]

[*Mon. Ger. Hist., Legum*, Sec. II. *Capitularia Regum Francorum, Tom.* I. 110. Hannoveræ, 1881.]

Cap. 38. (*Capitula de examinandis ecclesiasticis*, A.D. 802.)

Similiter et in doctrina populorum et in officio prædicandi necnon et confessione peccatorum, qualiter eos agere doceant, qualiter eis remedium peccatorum imponere sciant vel procurent.

[*The examination of the clergy includes an inquiry as to whether the candidate knows and understands the penitential.*]

Interrogationes examinationis (*c.* A.D. 803).

[*Mon. Ger. Hist., Capitularia* I. 234.]

In palatio regis inventum habent, ut presbyteri non ordinentur prius quam examinentur.

1. Cap. Interrogo vos presbyteri quomodo credetis ut fidem catholicam teneatis, seu simbolum et orationem dominicam quomodo sciatis vel intellegitis.
2. Canones vestras quomodo nostis vel intellegitis.
3. Benitentialem quomodo scitis vel intellegitis.
4. Missam vestram secundum ordinem Romanam quomodo nostis vel intellegitis.
5. Euangelium quomodo legere potestis vel alios imperitos erudire potestis.
6. Homelias orthodoxorum patrum quomodo intellegitis, vel alios instruere sciatis.
7. Officium divinum secundum ritum Romanorum in statutis sollemnitatibus ad tecantandum quomodo scitis.
8. Baptisterium quomodo nostis vel intellegitis.

[*The penitential is included among the documents which all ecclesiastics must learn.*]

Quæ a presbyteris discenda sint (*c.* A.D. 803).

[*Mon. Ger. Hist., Capitularia* I. 235.]

Hæc sunt quæ iussa sunt discere omnes ecclesiasticos.

1. Fidem catholicam sancti Athenasii et cetera quæcumque de fide;
2. Symbolum etiam apostolicum;
3. Orationem dominicam ad intellegendum plenitur cum expositione sua;
4. Librum sacramentorum pleniter tam canonem missasque speciales ad commutandum pleniter;
5. Exorcismum super caticuminum sive super demoniacos;
6. Commendationem animæ;
7. Pœnitentialem;
8. Compotum;
9. Cantum Romanorum in nocte,
10. Et ad missa similiter;
11. Euangelium intellegere, seu lectiones libri comitis;
12. Omelias dominicis diebus et solemnitatibus dierum ad prædicandum canonem; monachi regulam similiter et canonem firmiter;
13. Librum pastoralem canonici atque librum officiorum;
14. Epistulam Gelasii pastoralem;
15. Scribere cartas et epistulas.

[*Five councils held in Gaul in* A.D. 813 *by order of Charles the Great for the correction of the condition of the Church.*]

Einhardi Annales (A.D. 813).

[Pertz, *Mon. Ger. Hist., Scrip.* I. 200.]

Concilia quoque iussu eius super statu ecclesiarum corrigendo per totam Galliam ab epsicopis celebrata sunt, quorum unum Mogontiaci, alterum Remis, tertium Turonis, quartum Cabillione, quintum Arelati congregatum est, et constitutionum, quæ in singulis factæ sunt, collatio coram imperatore in illo conventu habita; quas qui nosse voluerit, in supradictis quinque civitatibus invenire poterit, quamquam et in archivo palatii exemplaria illarum habeantur.

[*Persons publicly convicted of crime to perform public penance.*]

Concilium Arelatense (A.D. 813).

Can. 26. [Mansi, XIV. 62.]

Ut qui publico crimine convicti sunt, rei publice judicentur, et publicam pœnitentiam agant secundum canones.

[*The ancient canonical penance having in most places fallen into disuse, it should be revived, and power be taken from the emperor for its public infliction.*]

Concilium Cabilonense II. (Chalon-sur-Saone, A.D. 813).

Can. 25. [Mansi, XIV. 98.]

Pœnitentiam agere juxta antiquam canonum institutionem in plerisque locis ab usu recessit, et neque reconciliandi, antiqui moris ordo servatur: ut a domino imperatore impetretur adjutorium, qualiter si quis publice peccat, publica mulctetur pœnitentia, et secundum ordinem canonum pro merito suo excommunicetur et reconcilietur.

[*Some say that sins should be confessed to* God *only, some that they should be confessed to the priest. Either course is of benefit.*]

Can. 33. [Mansi, XIV. 100.]

Quidam Deo solummodo confiteri debere dicunt peccata, quidam vero sacerdotibus confitenda esse percensent: quod utrumque non sine magno fructu intra sanctam fit ecclesiam. Ita duntaxat et Deo, qui remissor est peccatorum, confiteamur peccata nostra, et cum David dicamus: *Delictum meum cognitum tibi feci, et injustitiam meam non abscondi. Dixi; confitebor adversum me injustitias meas Domino, et tu remisisti impietatem peccati mei.* Et secundum institutionem apostoli, confiteamur alterutrum peccata nostra, et oremus pro invicem ut salvemur. Confessio itaque quæ Deo fit, purgat peccata: ea vero quæ sacerdoti fit, docet qualiter ipsa purgentur peccata. Deus namque salutis et sani-

Concilium Cabilonense.

tatis auctor et largitor, plerumque hanc præbet suæ potentiæ invisibili administratione, plerumque medicorum operatione.

[*To remedy inadequate confessions persons confessing are to be instructed to confess the eight principal sins, whether in thought or act.*]

Can. 32. [Mansi, XIV. 99.]

Sed et hoc emendatione indigere perspeximus, quod quidam dum confitentur peccata sua sacerdotibus, non plene id faciunt. . . . Instruendus est itaque, peccatorum suorum confessor, ut de octo principalibus vitiis, sine quibus in hac vita difficile vivitur, confessionem faciat: quia aut cogitatione, aut, quod est gravius, opere eorum instinctu peccavit.

[*The authorities to be followed in assigning penance are:* (1) *the Canons,* (2) *Holy Scripture,* (3) *Ecclesiastical Custom.*]

Can. 34. [Mansi, XIV. 100.]

Quia igitur, apostolo teste, non est personarum acceptio apud Deum, et in omnibus judiciis cavenda est; multo magis in hoc pœnitentiæ judicio præcaveri debet, ut nullus sacerdotum unquam, aut gratia, aut odio alicujus personæ, secus judicet quam quod in canonibus sacris invenerit, aut quod illi secundum sanctarum scripturarum auctoritatem, et ecclesiasticam consuetudinem, rectius visum fuerit. . . .

[*Penitentials to be repudiated and altogether abolished.*]

Can. 38. [Mansi, XIV. 101.]

Modus autem pœnitentiæ peccata sua confitentibus, aut per antiquorum canonum institutionem, aut per sanctarum scripturarum auctoritatem, aut per ecclesiasticam consuetudinem, sicut superius dictum est, imponi debet, repudiatis ac penitus eliminatis libellis, quos pœnitentiales vocant, quorum sunt certi errores, incerti auctores, de quibus recte dici potest: *Mortificabant animas, quæ non moriuntur, et vivificabant animas, quæ non vivebant.* Qui dum pro peccatis gravibus leves quosdam et inusitatos imponunt pœnitentiæ modos, consuunt pulvillos, secundum propheticum sermonem, sub omni cubito manus, et faciunt cervicalia sub capite universæ ætatis ad capiendas animas.

[*Bishops and priests to assign penances in proportion to sins. An appeal to an assembly of bishops to indicate which of the penitentials should be followed.*]

Concilium Turonense III. (A.D. 813).

Can. 22. [Mansi, XIV. 86.]

Episcopis et presbyteris diligenter cautela pertractandum est, qualiter hominibus sua sibi delicta confitentibus tempus absti-

Concilium Turonense III.

nendi adscribant, ut juxta modum peccati pœnitentibus abstinentia indicatur: quoniam varie ab aliquibus sacerdotibus et indiscrete hæc judicia proferuntur. Ideo necessarium videbatur nobis, cum omnes episcopi ad sacrum palatium congregati fuerint, ab eis edoceri, cujus antiquorum liber pœnitentialis potissimum sit sequendus.

[*Priests to know how to receive confessions. The eight principal sins. The judging of sins in confession, and the assignment of penance.*]

Concilium Rhemense (A.D. 813).

Can. 12. [Mansi, XIV. 78.]

Omnibus his actis, ventilata est ratio pœnitentiæ, ut sacerdotes certius intelligerent, quomodo confessiones recipere et pœnitentiam secundum canonicam institutionem pœnitentibus deberent indicare.

Can. 13.

Ventilata est ratio octo principalium vitiorum, ut unusquisque diversitatem illorum sciret, et ab illis Domino auxiliante se intelligeret custodire, et aliis prædicare.

Can. 16.

Ut episcopi et presbyteri examinent, qualiter confitentibus peccata dijudicent, et tempus pœnitentiæ constituant.

[*The distinction between public and private penitents to be maintained.*]

Can. 31. [Mansi, XIV. 90.]

Ut discretio servanda sit inter pœnitentes, qui publice et qui absconse pœnitere debent.

[*The bishops are to expel from the Church incestuous persons who will not repent.*]

Concilium Moguntinum (Mainz, A.D. 813.)

Can. 53. [Mansi, XIV. 75.]

Ut episcopi incestuosos pariter investigare studeant omnino præcipimus. Et si pœnitere noluerint, de ecclesia expellantur donec ad pœnitentiam revertantur.

[*Discipline for the incestuous. Public penance. Breach of the seal.*]

Capitulare Aquisgranense (A.D. 813).

[Pertz, *Mon. Ger. Hist.*, I. 189; *Mon. Ger. Hist.*, *Capitularia* I. 174–5.]

Excerpta Canonum.

8. De incestuosis omnino investigandum, ut ab ecclesia expellentur, nisi penitentiam egerint.

24. Ut qui publico criminæ convincti sunt rei, publice judicentur, et publicam pœnitentiam agant secundum canones.

[*Codex Gandavensis.*]

Headed in *Mon. Ger. Hist.* "*Capitula originis incertæ.*"

26 *b*. Ut hoc inquiratur, si de partibus Austriæ verum est quod dicunt, an non, quod presbiteri de confessionibus accepto pretio manifestent latrones.

[*Every priest to have an enumeration of the greater and the lesser sins. The questions of penitentials and prohibited degrees not now considered.*]

Karoli Magni Capitularia.

[*Mon. Ger. Hist.*, *Legum*, Sec. II. *Capitularia Regum Francorum*, *Tom.* I. *pars prior*, 179. Also in Pertz, *Legum* I. 161.]

Cap. 81. (*Capitula ecclesiastica*, A.D. 810–813?).

15. Ut unusquisque presbyter capitula habeat de maioribus vel de minoribus vitiis, per quæ cognoscere valeat vel prædicare subditis suis, ut caveant ab insidiis diaboli.

20. De iudicio pœnitentiæ ad interrogandum reliquimus, per quem pœnitentialem vel qualiter iudicentur pœnitentes; et de incestibus, quibus liceat iungere, quibus non.

[*The books called* Penitentials *are opposed to the authority of the Canons. The bishops should make inquiry for them, and deliver them to the flames.*]

Concilium Parisiense VI. (A.D. 829).

Cap. 32. [Mansi, XIV. 559.]

Quoniam multi sacerdotum partim incuria, partim ignorantia, modum pœnitentiæ reatum suum confitentibus secus quam jura canonica decernant imponunt, utentes scilicet quibusdam codicillis contra canonicam auctoritatem scriptis, quos pœnitentiales vocant: et ob id non vulnera peccatorum curant, sed potius foventes palpant, incidentes in illum propheticum: *Væ qui consuunt pulvillos sub omni cubito manus, et faciunt cervicalia ad decipiendas animas:* omnibus nobis salubriter in commune visum est, ut unusquisque episcoporum in sua parochia eosdem erroneos codicillos

Concilium Parisiense VI.

diligenter perquirat, et inventos igni tradat, ne per eos ulterius sacerdotes imperiti homines decipiant.

[*If nuns wish to confess their sins to priests it must, if possible, be in the church, in the presence of witnesses. Persons should not leave their canonical clergy to confess to monks.*]

Cap. 46. [Mansi, XIV. 565.]

Porro si sacerdotibus sanctimoniales peccata sua confiteri voluerint, id non nisi in ecclesia coram sancto altari, adstantibus haud procul testibus faciant. Si autem infirmitas præpedierit ut in ecclesia eadem confessio fieri nequeat, in quacumquelibet domo facienda est, non nisi testibus similiter haud procul adstantibus fiat. Nullo modo quippe videtur nobis convenire, ut monachus, relicto monasterio suo, idcirco sanctimonialium monasteria adeat, ut confitentibus peccata sua modum pœnitentiæ imponat. Nec etiam illud videtur nobis congruum, ut clerici et laici episcoporum et presbyterorum canonicorum judicia declinantes monasteria monachorum expetant, ut ibi monachis sacerdotibus confessionem peccatorum suorum faciant: præsertim cum eisdem sacerdotibus monachis id facere fas non sit, exceptis his duntaxat, qui sub monastico ordine secum in monasteriis degunt. Illis namque est confessio peccatorum facienda, a quibus subinde et modus pœnitentiæ, et consilium salutis capiatur, et a quibus post tempora pœnitentiæ peracta, secundum canonicam institutionem, si episcopus jusserit, reconciliatio mereatur. Pœnitentia porro non in multitudine annorum, sed potius in contritione cordis et corporis est æstimanda.

[*Seven modes of remission of sin.*]

Jonas, bishop of Orleans (A.D. 821–843).

De institutione laicali, i. 5. [Migne, *P. L.*, CVI. 130.]

De septem remissionibus peccatorum.

In præcedenti capitulo dictum est quod tria sint baptismata, per quæ ablutio et purgatio fit peccatorum. In hoc capitulo demonstrandum est quibus modis fiat remissio peccatorum. Scribit namque Origenes in homilia prima libri Levitici ita: "Audi nunc quantæ sunt remissiones peccatorum. Est ista qua baptizamur in remissionem peccatorum. Secunda est in passione martyrii. Tertia est quæ per eleemosynam datur. . . . Quarta nobis fit remissio peccatorum, per hoc quod et nos remittimus peccata fratribus nostris. . . . Quinta peccatorum remissio est cum converterit quis peccatorem ab errore vitæ suæ. . . . Sexta quoque fit remissio peccatorum per abundantiam charitatis, sicut ipse Dominus dicit: *Amen dico tibi remittuntur ei peccata, quoniam dilexit multum.* Et Apostolus ait: *Quoniam charitas co-operit multitudinem peccatorum.* Est adhuc et septima, licet laboriosa

Jonas.

et dura per pœnitentiam, remissio peccatorum, cum lavat peccator in lacrymis stratum suum, fiunt ei lacrymæ suæ panes die ac nocte." Cum non erubescit sacerdoti Domini indicare peccatum, ut acquirat medicinam, secundum eum qui ait: *Dixi, Pronuntiabo adversum me injustitiam meam; et tu remisisti impietatem peccati mei. . . .*

[*It is the custom to confess the graver sins to the priests for reconciliation: very few except monks confess minor sins.*]

i. 15. [Migne, *P. L.*, CVI. 152.]

Moris est ecclesiæ de gravioribus peccatis sacerdotibus, per quos homines Deo reconciliantur, confessionem facere; de quotidianis vero et levibus quibusque perrari sunt qui invicem confessionem faciunt, exceptis monachis qui id quotidie faciunt.

[*Old German formula of confession.*]

Fulda formula of confession (*c.* A.D. 830).

[Müllenhoff, K., und Schwerer, W., *Denkmäler deutscher Poesie und Prosa aus dem VIII–XII Jahrhundert* (Berlin, 1873), p. 187.]

LXXIII. *Fuldaer Beichte.*

Ih uuirdu gote almahtîgen bigihtîg enti allên gotes heilagôn enti thir gotes manne allero mînero suntono; unrehtero githanco, unrehtero uuorto, unrehtero uuerco; thes ih unrehtes gisâhi, unrehtes gihôrtî, unrehtes gihanctî odo andran gispuoni; sô uuaz sô ih uuidar gotes uuillen gitâti, meinero eido, ubilero fluocho, liogannes, stelannes, huores, manstahtî, unrehtes girâtes; odo mir iz thuruh mîn kindisgi giburitî odo thuruh ubartruncanî odo thuruh mîn selbes gispenstî odo thuruh anderes mannes gispenstî, girida, abunstes, nîdes, bisprâchido, ubilero lusto; . . .

[*Calls upon Halitgar to compile a penitential from the writings of the Fathers and the pronouncements of the Canons.*]

Ebbo, archbishop of Rheims (*c.* A.D. 830).

[Migne, *P. L.*, CV. 651; *Mon. Ger. Hist., Epist.* V. 617.]

In nomine Domini.

Reverendissimo in Christo fratri et filio Halitgario episcopo, Ebo indignus episcopus salutem.

Non dubito tuæ notum esse charitati, quanta nobis ecclesiasticæ disciplinæ, quantisque nostrorum necessitatibus subditorum, et insuper mundalium oppressionibus, quibus quotidie agitamur, cura constringat. Idcirco, ut tecum contuli, ex Patrum dictis, canonum quoque sententiis, ad opus consacerdotum nostrorum excerpere Pœnitentialem minime valui: quia animus dum dividitur per multa, fit minor ad singula. Et hoc est quod hac

Ebbo.

in re me valde sollicitat quod ita confusa sunt judicia pœnitentium in presbytorum nostorum opusculis, atque ita diversa, et inter se discrepantia, et nullius auctoritate suffulta, ut vix propter dissonantiam possint discerni. Unde fit ut concurrentes ad remedium pœnitentiæ, tam pro librorum confusione, quam etiam pro ingenii tarditate, nullatenus eis valeant subvenire. Quapropter, charissime frater, noli te ipsum nobis negare, qui semper in divinis ardenti animo disciplinis, ac solerti cura Scripturarum meditationibus, perfectissimo otio floruisti. Arripe, quæso, sine excusationis verbo hujus sarcinæ pondus, a me quidem tibi impositum, sed a Domino, *cujus onus leve est*, levigandum.

[*Halitgar will endeavour to compile a penitential from the writings of the Fathers and the pronouncements of the Canons.*]

Halitgar, bishop of Cambray (*c.* A.D. 830).

Migne, *P. L.*, CV. 654; *Mon. Ger. Hist., Epist.* V. 617.]

Domino et venerabili Patri in Christo Eboni archiepiscopo, Halitgarius minimus Christi famulus salutem.

Postquam venerande Pater, directas beatitudinis vestræ accepi litteras, quibus me hortari dignati estis, ne mentis acumen inerti torpentique otio submitterem, sed cognitioni ac meditationi quotidie sacræ Scripturæ me vigilanter traderem, et insuper, ex sanctorum Patrum, canonumque sententiis, Pœnitentialem in uno volumine aggregarem: durum quippe mihi et valde difficile, tremendumque hoc quoque fuit imperium, ut hanc susciperem sarcinam, quam a prudentibus cognosco relictam. . . .

[*Halitgar adds to his own collection the* Pœnitentiale Romanum.]

[Migne, *P. L.*, CV. 693; Schmitz, Bp. H. J., *Die Bussbücher und das Kanonische Bussverfahren* (Düsseldorf, 1898), 290.]

De vitiis et virtutibus, et de ordine pœnitentium.

Addidimus etiam huic operi excerptionis nostre pœnitentialem romanum alterum quod de scrinio romane ecclesie adsumpsimus, attamen, a quo sit editus, ignoramus. Idcirco adnectendum prescriptis canonum sententiis decrevimus, ut si forte he prolate sententie alicui superfluum sunt visæ aut penitus que desiderat ibi de singulorum criminibus nequiverit invenire, in hac saltem brevitate novissima omnium scelera forsitan inveniet explicata.

[*Distinction of public and private penitents.*]

Rabanus Maurus (later archbishop of Mainz, *c.* A.D. 776–856).

De clericorum institutione, II. 30. [Migne, *P. L.*, CVII. 342.]

Quorum autem peccata in publico sunt, in publico debet esse pœnitentia, per tempora quæ episcopi arbitrio pœnitentibus

Rabanus Maurus.

secundum differentiam peccatorum decernuntur; eorumque reconciliatio in publico esse debet ab episcopo, sive a presbyteris, jussu tamen episcoporum, sicut canones Africani concilii testantur, ubi ita scriptum est: Cujuscumque autem pœnitentis publicum et vulgatissimum crimen est, quod universam Ecclesiam commoverit, ante absidam manus ei imponatur. Quorum ergo peccata occulta sunt, et spontanea confessione soli tantummodo presbytero, sive episcopo ab eis fuerint revelata, horum occulta debet esse pœnitentia, secundum judicium presbyteri, sive episcopi cui confessi sunt, ne infirmi in Ecclesia scandalizentur, videntes eorum pœnas, quorum penitus ignorant causas.

[*Rabanus compiles a penitential from the Canons and the Fathers.*]

[Migne, *P. L.*, CXII. 1397; *Mon. Ger. Hist., Epist.* V. 462.]

Ad Otgarium archiepiscopum.

De cetero quoque quia, quando hic præsentialiter fuistis, placuit sanctitati vestre cum parvitate nostra aliquid tractare atque conferre de diversis transgressionibus, in quibus fragilitas humana divina precepta transgreditur, quomodo per pœnitentiam restaurari possint atque Deo reconciliari hi, qui in diversis sceleribus prevaricantur legem Dei: ideoque iussistis mihi ut de canonibus et sanctorum patrum sententiis breviter excerperem atque in unum colligerem quæ a magistris ecclesiæ huiusmodi libello ea descripsi, quod haberetis in promtu ante oculos ad legendum quod mihi necesse erat ex diversis libris in unum congregare, ut noster labor vestræ voluntati aliquo modo satisfaceret.

[*Has compiled a guide for priests in one volume from the pronouncements of the holy Fathers and of the Canons.*]

Rodulfus, archbishop of Bourges (*c.* A.D. 850).

Capitula. Prologus. [Mansi, XIV. 944.]

Valde etenim me sollicitat, quoniam ita in sacerdotum nostrorum libellis reperi, quos vulgo pœnitentiales vocant, quorum errores certi, auctores sunt incerti, confusa judicia pœnitentium, atque ita diversa, et nullius auctoritate suffulta ut vix animus prudentis propter dissonantia tanti discriminis possit sustinere jacturam. Hos vero obliterans et studium meum certis atque catholicis scripturis accommodans, quid agere sacerdotes, qualiterve conversari vel quomodo Christi gregem, veluti pastores ingenio compotes et sermone tantum medicinali antidoto levigatum ad perpetuæ caulas pascuæ revocare oporteat, ex sanctorum patrum, canonumque sententiis exiguum opus in uno volumine aggregare curavi.

Rodulfus.

[*For public offences public penance should be assigned.*]

Cap. 34. [Mansi, XIV. 959.]

Pœnitentiam agere juxta antiquam canonum institutionem in plerisque locis ab usu recessit, et neque excommunicandi, neque reconciliandi antiqui moris ordo servatur. Et ideo qui publice peccat, publica mulctetur pœnitentia, et secundum ordinem canonum pro merito suo excommunicetur, et reconcilietur. Non enim licitum est Presbyteris publicam dare pœnitentiam, sed publice peccantes oportet, ut juxta antiquorum canonum decreta per episcopale ministerium publica Deum studeant satisfactione placare.

[*Due penance to be assigned in accordance with* (a) *Canons*, (b) *Scripture*, (c) *Custom. The distinction of public and private penance.*]

Concilium Moguntinum (A.D. 847).

Can. 31. [Mansi, XIV. 911.]

Modus tempusque pœnitentiæ peccata sua confitentibus, aut per antiquorum canonum institutionem, aut per sanctarum scripturarum auctoritatem, aut per ecclesiasticam consuetudinem imponi debet a sacerdotibus. Nam qui pro peccatis gravibus leves quosdam et inusitatos imponunt pœnitentiæ modos, consuunt pulvillos secundum propheticum sermonem sub omni cubito manus, et faciunt cervicalia sub capite universæ ætatis ad capiendas animas. Sed discretio servanda est inter pœnitentes, qui publice et qui absconse pœnitere debeant. Nam qui publice peccat, oportet ut publica mulctetur pœnitentia, et secundum ordinem canonum pro merito suo et excommunicetur et reconcilietur.

[*Of public penance for public offences.*]

Hincmar, archbishop of Rheims (*c.* A.D. 805–882).

[Mansi, XV. 491.]

Capitula anno duodecimo episcopatus (A.D. 857) *superaddita.*

Ut unusquisque sacerdos maximam providentiam habeat, quatenus, si forte in parochia sua publicum homicidium, aut adulterium, sive perjurium, vel quodcumque criminale peccatum publice perpetratum fuerit, statim, si auctorem facti vel consentientem adire potuerit, hortetur eum quatenus ad pœnitentiam veniat coram decano et compresbyteris suis, et quidquid ipsi inde invenerint vel egerint, hoc comministris nostris magistris suis, qui in civitate consistunt, innotescat: ut infra quindecim dies ad nostram præsentiam publicus peccator, si intra parochiam nostram fuerimus, veniat, et juxta traditionem canonicam publicam pœnitentiam cum manus impositione accipiat. . . .

[*Penance for homicide in a brawl.*]

Concilium Moguntinum (A.D. 852).

Cap. 11. [*Mon. Ger. Hist., Capitularia* II. 189.]

De homocidio.

Si quattuor vel V° seu etiam plures contra hominem unum rixati fuerint et ab eis vulneratus mortuus fuerit, quicumque eorum plagam imposuisset, secundum statuta canonum ut homicida iudicetur, et vii annorum penitentiam subeat, hoc est: proximos dies xl peniteat in pane et aqua et leguminibus et oleribus, abstineat se ab uxore et ingressu ecclesie, deinde iii annos abstineat se a carne, vino, medone et cervisa mellita, exceptis festis diebus et gravi infirmitate, reliquos autem quattuor iii legitimis feriis in singulis ebdomadibus et iii quadragesimis in annis singulis a carne tantum abstineat.

[*Secret incest may be met by secret penance.*]

Can. 10. [*Mon. Ger. Hist., Capitularia* II. 189.]

De adulterio.

Si quis incestum occulte commiserit et sacerdoti occulte confessionem egerit, indicetur ei remedium canonicum, quod subire debuerat, si ejus facinus publicum fuisset; verum quia latet commissum, detur ei a sacerdote consilium, et saluti animæ suæ per occultam pœnitentiam prospiciat; hoc est, ut veraciter ex corde pœniteat se graviter deliquisse, et per jejunia vigiliasque atque per sacras orationes cum lacrimis se purgare contendat et sic ad spem veniæ per misericordiam Dei pervenire confidat.

[*The discretion of the priest in the administration of Penance.*]

Concilium Wormatiense (A.D. 868).

[Mansi, XV. 873.]

Pœnitentibus, secundum differentiam peccatorum, sacerdotis arbitrio pœnitentiæ decernuntur. Debet itaque sacerdos in pœnitentia danda singulorum caussas singulatim considerare, originem quoque, modumque culparum, et affectus gemitusque delinquentium diligenter examinare, manifesteque cognoscere: temporum etiam et personarum, locorum quoque et ætatum qualitates inspicere, ut etiam pro consideratione locorum, ætatum vel temporum, seu pro qualitate delictorum atque gemituum uniuscujusque delinquentis, a sacris regulis oculos non reflectat.

[*The discretion of the bishop or priest in Penance.*]

Concilium Triburiense (A.D. 895).

Can. 34. [Mansi, XVIII. 149, 151.]

. . . . . .

Quare una cum interfectis Paganis perempti fuerunt Christiani, captivi a barbaris, quia in impetu belli nequeunt distingui. Idcirco justum decernentes, statuimus cum interfectoribus misericordius

Concilium Triburiense.

agendum, ita ut quadraginta diebus pœnitentiæ indulgentius transactis, penes episcopum sit auctoritas et potestas, ut perpendat culpam, agat indulgentiam.

Can. 37.

. . . mater infantis, propter negligentiam, judicio sacerdotum pœniteat.

[*The clergy to possess the Roman penitential put forth by Theodore or Bede.*]

Regino, abbat of Prüm (*d.* A.D. 915).

[*Ed.* Wasserschleben, Lipsiæ, 1840, 26.]

De synodalibus causis et disciplinis ecclesiasticis.

Notitia quid episcopus vel eius ministri in sua synodo diligenter inquirere debeant per vicos publicos sive villas atque parochias propriæ diœcesis.

. . . . . .

96. Si habeat pœnitentialem Romanum vel a Theodoro episcopo aut a venerabili Beda editum, ut secundum quod ibi scriptum est, aut interroget confitentem, aut confesso modum pœnitentiæ imponat.

[*The clergy to admonish the people to confess any mortal sins on Ash Wednesday. And not only such, but let all hasten to remove stains in the immaculate robe of Christ.*]

I. 292. [*Ed.* Wasserschleben, Lipsiæ, 1840, 135.]

De confessione et pœnitentia.

Presbyteri admonere debent plebem sibi subiectam, ut omnis, qui sentit se mortifero peccati vulnere sauciatum, feria quarta ante quadragesimam cum omni festinatione recurrat ad vivificantem matrem ecclesiam, ubi quod male commisit cum omni humilitate et contritione cordis simpliciter confessus suscipiat remedia pœnitentiæ secundum modum canonicis auctoritatibus præfixum, tradaturque Satanæ in interitu carnis, ut spiritus salvus sit in die Domini. Non solum autem ille, qui mortale aliquid commisit, sed etiam omnis homo, quicunque se recognoscit, immaculatam Christi tunicam, quam in baptismo accepit, peccati macula polluisse, ad proprium sacerdotem festinet venire et cum puritate mentis omnes transgressiones omniaque peccata, quibus Dei offensam se incurrisse meminit, humiliter confiteatur, et quicquid ei a sacerdote fuerit iniunctum, ac si ab ipso omnipotentis Dei ore esse prolatum, ita diligenter intendat et cautissime observet.

Regino.

[*Only bishops and priests to give the judgments of penitents.*]

I. 299. [*Ed.* Wasserschleben, Lipsiæ, 1840, 138.]

Ex eodem (*Pœnitentiali Romano*).

Sicut enim sacrificium offerre non debent, nisi episcopi et presbyteri, quibus claves regni cœlestis traditæ sunt, sic nec pœnitentium iudicia alii usurpare debent.

[*But in case of necessity deacons may admit the penitent to communion.*]

I. 300.

Item.

Si autem necessitas evenerit et presbyter non fuerit præsens, diaconus suscipiat pœnitentem ad sanctam communionem.

[*Heistulf, who has killed his wife on suspicion of unfaithfulness, may choose whether he will* (a) *enter a monastery for life, which is the better course,*]

Paulinus patriarcha Aquileiensis (A.D. 794)

[*Mon. Ger. Hist., Epist.* IV. 521; Migne, *P. L.*, XCIX. 183.]

Paulinus patriarcha Aquileiensis Haistulfo, qui uxorem suam occiderat de pœnitentia agenda præcepta dat.

Idcirco placeat tibi consilium nostrum et fac hoc quod tibi melius et levius videri potest. Miserere animæ tuæ, ut non sis tuus tibimetipsi homicida. Relinque quapropter, rogamus te, hoc malignum seculum, quod te traxit ad tam inmanissimum peccati facinus. Ingredere in monasterium, humiliare sub manu abbatis, multorumque fratrum precibus suffragare. Observa cuncta simplici animo, quæ tibi fuerint imperator, si forte ignoscat infinita Dei bonitas peccatis tuis, et refrigescat anima tua, priusquam crucieris perpetuis flammis. Hoc tibi melius et levius certissime scias.

[*Or* (b) *perform public penance all the days of his life. The details of such penance.*]

[*Mon. Ger. Hist., Epist.* IV. 521; Migne, *P. L.*, XCIX. 184.]

. . . . . .

Sin autem penitentiam publicam permanens in domo tua vel in hoc mundo vis agere, quod tibi gravius et durius et peius esse non dubites, ita ut agere debeas, te exhortamur. Omnibus diebus quibus vixeris penitere debes: vinum et omnem siceram non bibas, carnem nullo unquam tempore comedas præter pascha et diem natalis Domini. In pane et aqua et sale penite. In ieiuniis, vigiliis, orationibus, et elemosinis omni tempore persevera. Arma numquam cingere nec causam in quolibet loco litigare præsumas. Uxorem nunquam ducas, nec concubinam habeas, nec adulterium committas. In balneo numquam lavare presumas, nec conviviis

Paulinus, patriarcha Aquileiensis.

lætantium commiscere. In ecclesiis segregatus ab aliis christianis post ostium et postes humiliter te ponas, ingredientium et egredientium te suppliciter orationibus commendes. A communione sacri corporis et sanguinis Christi cunctis diebus vitæ tuæ indignum te existimans abstineas; in ultimo tamen exitus vitæ tuæ die pro viatico, si merueris et si sit qui tibi tribuat, tantummodo venialiter ut accipias, tibi concedimus.

[*Priests to regulate penances, but only bishops to reconcile save when death is imminent.*]

Synodus Regiaticina (Pavia, A.D. 850.)

Cap. 7. [Mansi, XIV. 932.]

Oportet etiam per oppida singula, villasque curam gerere presbyteros, qualiter pœnitentes impositam sibi abstinentiæ formam custodiant, et utrum eleemosynarum largitione, vel aliis remissionem peccatorum promerentibus piis operibus inserviant, et qua cordis contritione vel lamentatione seipsos afficiant; ut hac consideratione pœnitudinis, tempus rationalem possit accipere terminum, et vel extendatur, si pœnitens negligenter injuncta prosecutus est; vel brevietur, si desideranter veniæ placationem studuit promereri. Reconciliatio vero pœnitentium, juxta antiquorum canonum instituta, non presbyteris, sed ab episcopis fieri debet: nisi forte quis in periculo fuerit constitutus, et se reconciliari devote petierit. Si episcopus absens fuerit, debet utique presbyter consulere, et sic pœnitentem ejus præcepto reconciliare. Aliter autem sicut nec chrismatis confectio, vel puellarum consecratio, ita nec pœnitentium reconciliatio ullatenus a presbyteris fieri debuit: quia solis episcopis apostolorum vicem tenentibus per manus impositionem specialiter in ecclesia conceditur, quod tunc apostolis ad ipsos Domino dicente concessum est: *Accipite Spiritum sanctum, quorum remiseritis peccata, remittuntur eis, et quorum retinueritis, retenta sunt.*

[*A presbyter is to assign penance by the bishop's judgment; and not to reconcile without the bishop's permission.*]

Atto, bishop of Vercellæ (*c.* A.D. 945).

Capitulare.

Cap. 90. [Migne, *P. L.*, CXXXIV. 45.]

Non debet presbyter injungere pœnitentiæ leges sine aliquo respectu personæ, aut causæ; sed tempora pœnitentiæ aut reconciliationis episcopi arbitrio concedat. Et ut presbyter inconsulto episcopo non reconciliet pœnitentem, nisi episcopo permittente; sed potius presbyteri qui in plebibus ordinantur, providentiam magnam habeant, ne eorum parochiani in criminalia incidant delicta. Quod si evenerit, tam ab ipsis, quam ab omnibus vicinis diligenter qualiter acta sunt, inquirant, et scriptis notare non

Atto.

differant, eosque admonere frequenter studeant, ut ad pacis et pœnitentiæ satisfactionem citissime currant, et cum ipsis primus ejusdem plebis presbyter, aut qui doctor post ipsum fuerit, veniat, idemque quod scripserat, secum afferat. Quod si iidem pœnitentes venire distulerint, ipse in capite jejunii ad primam ejusdem episcopi sedem esse nullo modo cum eodem dissimulet scripto, suoque suggerat episcopo, ut quod ei exinde agendum sit, consideret. Si autem etiam pœnitentes adfuerint, leges, quæ illis pœnitentiæ imponuntur, rursus describat, curamque et sollicitudinem erga eos maximam gerat, ut eorum conversationem plenissime cognoscere possit. Quod si obnixe aliquem pœnitentiæ viderit incumbere, aut debilitate incurrente periculum speret, aut si infirmitas quemquam oppresserit, ad suum presbyter recurrat episcopum, ut illi per ipsum remedia concedantur. Quod si defuerit, cardinalibus primæ sedis interim suggeratur. Ad diem namque reconciliationis, id est cœnæ Domini ipse quoque cum ipsis pariter adesse festinet, ut rursus quæ illis jussa fuerint, cognoscere et describere possit.

[*The* judicium pœnitentiæ *sent by Nicholas I. to the Bulgarians.*]

Nicolaus Papa I.

Responsa ad consulta Bulgarorum (A.D. 866).

[Migne, *P. L.*, CXIX. 1008.]

LXXV. Judicium pœnitentiæ, quod postulatis, episcopi nostri quos in patriam vestram misimus, in scriptis secum utique deferent; aut certe episcopus, qui in vobis ordinabitur, hoc cum oportuerit, exhibebit; nam sæculares tale quid habere non convenit, nimirum quibus per id quemquam judicandi ministerium nullum tribuitur.

II. Charles the Great and after

Leaving now the rule of S. Chrodegang, and the special development of confession as a practice of the canons regular, this investigation may revert to the general course of penitential practice in the churches of continental Europe. The end of the eighth century brings the student to the strong and stirring times of Charles the Great (Charlemagne) and the revived empire. In the matter of Penance not less important than had been the influence of the English missionaries was now the influence of the English scholar Alcuin and of his English companions in the schools which he controlled or founded under the patronage of Charles.

The times of Charles the Great.

Alcuin.

Alcuin was born of noble Northumbrian parentage about A.D. 735. He was brought up from infancy in the school founded by archbishop Egbert in connexion with the church of York. He became eminent among the scholars of his day. In A.D. 781, when Alcuin was about forty-six years old, he accepted the invitation of Charles the Great to attach himself to his court, and was regarded as the most brilliant of the little band of scholars who enjoyed the great monarch's protection. It should be remembered that at the close of the eighth century England was producing men well versed in the scholarship then attainable, whereas in the continental countries of Western Europe learning was at this time at a very low ebb. In the following two centuries English learning would decline, and continental learning would advance. But about A.D. 800 there was no more prominent figure in the European world of letters than Alcuin. He was only in deacon's orders, but he is found addressing with his counsel all sorts of persons and communities, and with the evident assurance that his counsels will be received with respect.

The palace school at Aachen.

It was as the head of the palace school at Aachen that Alcuin became intimately associated with Charles the Great, as well as renowned throughout Europe for his scholarship. At the court was set up a sort of academy or republic of letters in which the emperor and some of his household were associated with Alcuin and his fellows of the palace school in the assumption of historic or character rôles. Charles himself was David, Alcuin was Flaccus Albinus, Angilbert for his poems was Homer, Adalhard was Antony, Amalarius was Symposius, Hatto was Bonosus, Arno was Aquila, Withso was Candidus. Of the ladies Gisela

was Lucia, Rictrudis was Columba, and Gundrada was Eulalia. The poems of Theodulf give a curious insight into the extraordinarily familiar and intimate converse of this society. Here it was that Charles derived his impulses and acquired his information in matters literary and ecclesiastical.

Abbat of S. Martin at Tours.

Alcuin's intimate association with the court must have come to an end in A.D. 796. In that year on the death of Itherius, abbat of S. Martin at Tours, Charles appointed Alcuin, though only a deacon, to succeed to the authority of the deceased abbat. It was to be expected that the school of the monastery would have his deepest interest, and it appears that he was here, too, assisted in the work of the school by a number of the English scholars, whom he had taught at York, and whom with the sanction of Charles he had brought over from England. They had been with him in the school of the palace at Aachen, and now appear to have accompanied him to Tours. Such were Onias, Fridugis (Nathanael), Withso (Candidus), Ragonard, Waldramn, Oswulf, Simeon, and Sigulf.[1] Among the continental pupils of Alcuin who afterwards became famous, and who were from his school of Tours were Rabanus (Maurus), abbat of Fulda and archbishop of Mainz; Hatto who succeeded Rabanus at Fulda; Haimo, bishop of Halberstadt; Samuel, bishop of Worms; Adalbert, abbat of Ferrières; Aldrich, bishop of Sens; Amalarius, deacon of the church at Metz.[1]

No confession in Septimania.

Some evidence with regard to Alcuin's attitude in the matter of confession may now be given. The letter addressed by Alcuin "To the brethren in the province of the Goths" is written to complain of

> "certain customs which are said to have become prevalent (*inoluisse*) in your regions. For it is said that no one of the laity is willing to make confession to the priests, who, as we believe, have received in common with the apostles the power of binding and loosing from Christ our God." [2]

Sketch of Gothic Christianity.

It may be of service to recall the outlines of the history of the Goths. On the break-up of the Roman empire the Visigothic tribes had established a kingdom with a centre at Toulouse which spread till at its most flourishing period it covered a third of the present France, and two-thirds of Spain. These Visigothic tribes, who professed Christianity, had been converted in the first instance by the missionary zeal of Ulfilas, and like him were Arians. The conflict of Arianism with Catholicism was a lasting difficulty till at length, in the reign of king Reccared, at the Third Council of Toledo (A.D. 589) the differences were adjusted, and all the Arian Goths were brought within the Catholic fold. It has been noticed already that at the Third Council of Toledo in A.D. 589 a canon was passed severely condemning the iteration

[1] See Froben, *Commentatio*, cap. x (Migne, *P. L.*, C. 64). [2] *Epist.* 112.

of penance and absolution, a practice stated by the canon to have found place "in certain churches of the Spains." This may seem to be only an instance of belated action on the part of the Spanish church when the temper of the Western churches generally was setting in another direction. But it may also be the expression of a conviction entertained by the Arian section who were being brought in, and who in their separation had probably maintained the older severity. When two hundred years later Alcuin addressed to the Goths the letter now under notice they had been forced to surrender the whole of their wide possessions in the Spanish peninsula to the victorious arms of the Moorish invaders, and while one section of them under Moorish domination were to be found in the mountains of the Asturias, or in Galicia, the Goths under Christian rule were confined to the Gallic province of Septimania, which was included in the empire of Charlemagne.[1] Septimania was so named from the seven cities of Narbonne, Carcassonne, Elne, Beziers, Maguelonne, Lodève, and Agde, names from which it will be seen that the area occupied corresponded nearly with the later province of Languedoc. It is to the Goths of Septimania, the *fratres in provincia Gothorum*, that Alcuin addresses his letter. They are *fratres*, Christians and Catholics, but Alcuin has learned that among them no one of the laity is willing to make confession to the priests. Read in the light of the canon of Toledo two hundred years before this may probably mean that the Gothic community had all along maintained the position that Penance should not be iterated, and that the practical result was that confession to the clergy in time of health was unknown. To Alcuin with his English training this state of things is distressing. He argues that Christ has given to the priests the power of binding and loosing, and that they cannot possibly exercise it unless they are made acquainted with the offences to be dealt with.

Students of Tours exhorted to confess.

In a little treatise of about two thousand words an *opusculum* addressed to the students of the school of S. Martin at Tours, and hardly less to the staff of the school, Alcuin makes the importance and advantage of confession his single theme. The masters, "holy fathers, lights of this brotherly congregation, doctors and guides of youth in all goodness," he calls upon to exhort the lads as to their conduct generally,

> "but chiefly as regards the confession of their sins, because many are the snares of the devil's deceit against lads in carnal desire and in other vices of youth.
>
> "But, by God's grace, the devil makes no advance in his malice, if the young men are willing to make a pure confession, and to render worthy fruits of penance. . . ."[2]

[1] A debateable region beyond the Pyrenees, the Spanish March (*Marca Hispanica*), was more or less held by Charlemagne (Longnon, *Atlas Historique de la France*, Paris, 1907).

[2] *Opusculum*, 7.

Addressing the penitent, he thus proceeds :—

> " Come then, O penitent, confess thine own sins, lay bare by confession the secret of thine iniquity. Known unto God are those things which thou hast wrought in secret, which if the tongue have not spoken, yet the conscience will not be able to conceal. . . . Tell thy sins by confession before thou feel the anger of the Judge. Believe me, all that thou hast sinned will be found pardonable if thou do not blush to confess it. . . . God awaits the sacrifice of confession from us that he may accord to us the delightful boon of pardon." [1]

Again, farther on in the same treatise he thus exhorts both students and masters :—

> " Accordingly, my dearest sons, hasten to the remedy of confession. Lay open your wounds in confession that the medicaments of healing may be able to take effect in you. . . . And ye, right holy masters and fathers of this family, teach ye your sons to live piously, soberly, and chastely before God in all humility, obedience, and sanctity, and to make a pure confession of their sins to the priests of Christ, and to wash away the filth of the lust of the flesh by tears of penitence. . . ." [1]

In all this, while he is evidently expecting that in particular cases there are grave sins to be confessed, Alcuin makes his exhortation of general application. He wants the lads, and wants them all, to make their confessions.

Similar advice to others.

This little treatise expressed what Alcuin felt to be valuable advice for such young students,[2] and later on (A.D. 802) in a letter to one of his pupils, Arno, now become archbishop of Salzburg, he expresses his opinion that the Tours treatise would meet the case of the youths under the archbishop. He mentions that Adalbert (Magus), another pupil who apparently was with Arno, had asked him whether he had sent the epistle under instruction from the archbishop or of his own motion. Its contents were probably felt to be an important innovation.[3]

To the same Arno, archbishop of Salzburg, he writes :—

> " Let each (of the clergy) exhort to the purity of confession, to the compunction of Penance : because this is a second Baptism in the Church, so that he who after the first (Baptism), has gone astray in any fault may in this second find correction." [4]

To one of his " sons " who was sick Alcuin gives this advice :—

> " Diligently purge the slightest soils of words and thoughts, and of course of deeds before (*apud*) a faithful and prudent

[1] *Opusculum*, 7.

[2] The word *puer* may be taken to cover all the years of student life. Thus in Theodore's *Pentitential*, I. ix. 9 : *Puerum monasterii non licet ordinare ante xxv annos.*

[3] *Epist.* 102. [4] *Epist.* 94.

> confessor, according to thy conscience, so that nothing remain, wherein the evil one may have to accuse thee before the highest Judge." [1]

To another of his "sons" whom he addresses by his assumed name of Damœtas, in fact, Riculf, in the after time archbishop of Mainz, but now about to accompany the emperor on his campaign in Saxony, Alcuin writes urging him

> "to make his journey sure by confession, to strengthen it by alms, to fortify it on every side by the prayers of the servants of God." [2]

In several letters to monastic communities Alcuin takes occasion to emphasise the importance of confession: but he makes it clear that he regards confession as important not only for monks, but for all alike. Writing to England to the monks of S. Peter at Wearmouth, he says:—

> "If (any) have committed some sin by the frailty of the flesh, let him wash it off by confession, let him erase it by penance." [3]

To the monks of Fulda, in Germany, he shows the same solicitude that the students of their school should be guided to confession, as he has shown with regard to the students of Tours and Salzburg.

> "Admonish them concerning the chastity of the body, concerning the confession of their sins, concerning their application to study, and the labours of their hands. . . . ." [4]

Nothing more clearly shows the commanding position of Alcuin in the world of letters of his day than the entire confidence with which, without anything of arrogance, he assumes that his communications will find attentive acceptance. Thus he addresses a general epistle to all the monks throughout Ireland (*per latitudinem Hiberniensis insulæ*). In this letter he writes:—

> "Let each show humility in learning, and devotion in teaching, and diligence in works of mercy to the poor and the wretched: let no one, elder or younger, secular or monastic, man or woman, blush to confess his faults, and to amend them by penance, whatsoever he have done against the will of God. It is better to have one man a witness of his sins for the salvation of his soul, than to await the accusation of the devil's deceit before the Judge of all the ages, and before the choir of angels, and the assembly of the whole human race." [5]

Alcuin's is the modern teaching.

These various instructions put forth by Alcuin may all be said to breathe the modern teaching as to Penance. The persons are to come not to seek reconciliation for some one great offence of which they are conscious; or, like Paulinus of Pella, to confess a

[1] *Epist.* 188. [2] *Epist.* 44. [3] *Epist.* 14.
[4] *Epist.* 142. [5] *Epist.* 225.

whole course of unchastened living in the past with a similar view to reconciliation; but rather they are more or less faithful servants of God, who may have sinned, and who should desire to lay bare all that their consciences may record, that so nought may pass unforgiven.

Theodulf of Orleans.

Next after Alcuin the most prominent member of the academy of letters in the palace of Aachen appears to have been the facile poet Theodulf, afterwards bishop of Orleans. It is in Theodulf's poems that a vivid picture of the court circle has come down to us. He speaks of himself on more than one occasion as of Gothic race, and he was probably born and educated somewhere on the Spanish side of the Pyrenees.[1] He would be intimately acquainted with the practice of the Gothic Christians whether in Spain or in Septimania. It may be surmised that it was from Theodulf that Alcuin obtained his information that the Gothic Christians never confessed to a priest. It is interesting to see these two eminent and earnest Christian leaders associated, and in a measure confronted, with each other, at the court of Charlemagne. Alcuin, as an Englishman, stands for private penance not only at death but in the lifetime; for the practice of it at recurring intervals; for the use of penitentials; for the entire supersession of public penance. Theodulf, by training unacquainted with private penance, except as practised on the sick-bed, is familiar with public penance for grave faults, and that a penance not admitting of repetition. For the assignment of the right measure of penance, he bases on Fathers and Canons and Holy Scripture.

At the court of Charles. Contrast with Alcuin.

Theodulf's contact with Frankish Christianity leads to a considerable modification of his Gothic preconceptions, but not to an entire acceptance of the English position. He is, indeed, careful to make no attacks, while laying down with some precision his own positive requirements. If, however, he refrains from direct controversy, he supplies material which early in the ninth century was employed in the somewhat heated contentions which found expression in the reform councils of A.D. 813. It will be shown that the Council of Chalon of that date bases largely upon Theodulf.

In the Gothic province, as has been seen, there was at this time no practice of confession to a priest, at least in time of health. When Theodulf came into contact with Frankish Christianity he would find a different atmosphere. The benefit of confession with private penance was in the Frankish lands generally recognised, and the practice of it had found considerable adoption. The influence of S. Columbanus and of the many monastic foundations of Keltic type, had effected this. And now the presence of Alcuin and his following of English scholars at the court of

[1] *Carmina, lib.* i—

occurrit quo mihi læta cohors,
Relliquiæ Getici populi, simul Hespera turba
Me consanguineo fit duce læta sibi.

[Migne, *P. L.*, CV. 286.]

Aachen has given the practice a new and powerful impulse. Theodulf accepts and welcomes confession to a priest as a procedure open to the worthy Christian. He gives the matter original consideration. He sees that there are advantages in it which differ from the advantages of confession to God alone; and he endeavours to state where the distinction of advantage lies.

Capitularies of Theodulf.

The attitude and teaching of Theodulf on the whole subject of penance are to be found in his two *Capitularies*, of which the first at least was put forth not very long after his appointment to the see of Orleans (*c.* A.D. 785). They constitute an admirable attempt to regulate a clergy who stood in much need of regulation.

Directions on confession.

In the first of the *Capitularies* Theodulf thus distinguishes between confession made to a priest and confession made to God alone:—

> "For the confession which we make to the priests brings to us this support, that we wash away the stains of our sins when we receive at their hands salutary counsel, the very wholesome observances of penance, or the exchange of prayers. But the confession which we make to God alone is helpful in this, that in so far as we are mindful of our sins, so far God is forgetful of them; and conversely, in so far as we forget them, so far God remembers them. . . ."[1]

Thus confession to God alone and confession to a priest are both admissible and both good. The statement which Theodulf here makes of the distinguishing advantage of each kind of confession is not quite like that of any other writer. In approving confession to a priest he makes no reference to the advantage of ministerial absolution, but particularises the benefits arising (1) from counsel, (2) from the penances assigned, and (3) from the co-operation in prayer. The confession to God alone is valuable, because when we are mindful of our sins, God forgets them; and so, no doubt, forgives them as really as by the other method of confession.

Confession to a priest must be adequate.

When confession is made to a priest, it is important that the whole ground of offence shall be covered, and accordingly that the penitent shall distinguish clearly between the different kinds of sin. The clergy of the diocese of Orleans are instructed to require this distinction as regards the "eight principal vices," an enumeration first made by Cassian, and now in the eighth century becoming a commonplace of the Christian teaching.[2]

The eight principal vices.

Lenten penance.

An important feature of Theodulf's instructions is his requirement that the exercise of Penance, already directed by the Church upon the commencement of the season of Lent, which in the eighth century is Ash Wednesday, shall then include

> "confessions to be given to the priests, penances to be accepted, persons at variance to be reconciled, and all quarrels

[1] *Capit.* I. c. 30. [2] *Ibid.*, c. 31.

to be allayed . . . and that entering thus into the season of the blessed Lent, they may approach to the holy *pascha* with clean and purified minds, and renew themselves by Penance, which is the second Baptism." [1]

Clergy to prepare themselves.

The clergy, since they are to receive confessions, need to prepare themselves. They need to be pure, and to be in readiness to indicate suitable penances. Theodulf's instructions in this matter of the indication of penances deserve careful attention.[2] Nowhere does he make any direct mention of the penitentials which are in use all about him. He says that penances are to be indicated "according to the canons of the genuine Holy Fathers, and not according to the pleasure of man, or at his will." GOD'S will has to be followed, and that "is to be sought in the Holy Scriptures." In all this it is sufficiently clear that Theodulf is not prepared to sanction the pronouncements of the penitentials. He is, in fact, laying down that authority is to be sought not in penitentials, but in the Canons of the Fathers, and in Holy Scripture.[2]

Penances from Fathers and Scripture.

By this teaching Theodulf becomes the originator and guide of the anti-penitential party which will in a few years find a voice in the Council of Chalon (A.D. 813). That council will be found to follow Theodulf in admitting as alternatives confession to the priest and confession to GOD alone; in requiring the discrimination of the eight principal vices; and in referring to the Canons and to Holy Scripture as authorities for the penances assigned. The council, however, will indicate a third source of authority in "ecclesiastical Custom," and will proceed to rule that all penitentials are to be repudiated and altogether abolished. In all this the council is seen to be following with some advance the definite lead given by Theodulf perhaps a quarter of a century before.

Public and private penance.

An important passage shows at once the maintenance by Theodulf of the ancient public penance, and his admission of the modern system of confession with private penance.

> "Capital and mortal offences are to be publicly bewailed according to the institution of the canons and of the holy Fathers. But we do not deny that mortal offences may be pardoned on secret satisfaction: only with the change of the bent of the mind, and the laying aside of worldly arrogance, and the professed pursuit of holy religion with the correction of the life and of the yoke with the submission of self in even perpetual affliction. Nor, indeed, ought any one to despair of the mercy and boundless compassion of Almighty GOD. . . . The mode of penance, in fact, hangs on the judgment of the priest. Such priest very diligently studying and acquainting himself with the directions of the holy Fathers ought to impose the penance according to their authority on

[1] *Capit.* I. c. 36. [2] *Ibid.*, II.

those who confess. For, indeed, the authority of the Canons and of the holy Fathers is the firmest foundation." [1]

The earlier part of this passage is adapted from Gennadius.[2] Capital and mortal sins call for public penance, an exemption being made in the case of those who have adopted the monastic life. Passing on from this ancient standpoint Theodulf, basing on the mercy of God, says that none need despair, that the mode of penance hangs on the judgment of the priest, and that the priest must follow the Canons and holy Fathers.

Theodulf perhaps the latest writer who teaches that what calls for public penance is capital sin.

In this passage is found a late, perhaps the latest, expression of the ancient view of the Church that what called for public penance was capital or mortal sin. In that view it made no essential difference whether the offence was public or private. If it was capital, then public penance was suitable.

In a few years it will become a commonplace of Christian practice that public offences call for public penance, and that private offences are sufficiently met by private penance. This view finds no support in the practice and teaching of earlier times.

Disabilities based on publicity.

While, however, the publicity of offence was not in early times the determinant of public penance, it had long been recognised that disabilities, and especially the disabilities which barred the entrance to Holy Orders, or which in the case of a clerk barred the resumption of clerical functions, were based upon the publicity rather than on the heinousness of the offence.

It will be remembered that in the earlier centuries clerks had not been admitted to Penance at all, but had been instead degraded from clerical office. The practice of the later centuries had admitted clerks to Penance, but notorious offence had barred clerical functions.

The directions now issued by Theodulf have on this point some interesting features. If a priest have committed adultery, and the offence be publicly known, the priest is to be removed from the exercise of his functions and to do public penance for ten years. But if the offence be not publicly known, capital though its character is, the priest may make private confession and do private penance. In such a case the suspension from the functions of the priesthood by external authority finds no place: but Theodulf does not altogether authorise the priest to consider the privacy of his penance as of itself a sufficient justification to continue his ministrations.

> "But let it be left to his judgment whether he ought to cease from that ministry, or if, remaining in it, he can henceforth render worthy satisfaction to the Lord." [3]

[1] *Capit.* II.

[2] The following passages will be found as they stand in Gennadius, *De ecclesiasticis dogmatibus, cap.* 53 :—

sed et secreta satisfactione solvi mortalia crimina non negamus.
confesso religionis studio per vitæ correctionem et jugi imo perpetuo luctu.

[3] *Capit.* II.

Thus the priest whose sin is not notorious, and who is doing private penance, is to pass judgment on himself as to continuance in his ministrations.

These references sufficiently indicate the positions in the matter of Penance which were taken by the two prominent leaders of opinion, Alcuin and Theodulf, at the close of the eighth century. It has been noticed that in the days before Alcuin was abbat of Tours, or Theodulf bishop of Orleans, they had both been members of the intimate literary circle of the palace at Aachen. It will be of interest now to inquire what public enactments on the subject of penance went forth from Aachen with the imperial authority.

No imperial requirement of confession.

First, it may be well to note that there is no imperial requirement of confession as a duty of the Christian people. Such a requirement would indeed be the mark of a later age. It would hardly have been less distasteful to Alcuin than to Theodulf, if the universal practice of confession had been required by authority, whether imperial or ecclesiastical.

The regulation of the priesthood in the hearing of confessions and in the administration of penance is, however, another matter. It is now admitted generally at Aachen that private confession followed by private penance and private reconciliation by a priest is admissible. If the penitent may resort to the priest, the priest must be qualified to receive him. In a *Capitulary* of A.D. 802 it is enacted

> "that all priests for all who confess to them their sins do with the utmost watchfulness assign to these fitting penance, and that they mercifully deliver the Viaticum and communion of the Body of Christ to all sick persons before the close of life." [1]

But all priests to be prepared to hear confessions.

Thus *all* priests are expected to be prepared to hear confessions and assign penances in the cases of those who resort to them in time of health; while in the case of the dying the Holy Communion is not to be withheld.

In another *Capitulary* of the same year, A.D. 802, *On the Examination of Ecclesiastics*, it is ordered that inquiry be made

> "similarly also in the teaching of the people, and in the office of preaching and in the confession of sins, how they teach them to act, how far they know or exercise care to impose upon them a remedy for their sins." [2]

Thus the *Capitularies* of Charles the Great in A.D. 802 take order that all priests shall be qualified to hear confessions and assign penances. It is an universal requirement which will hardly find a parallel in previous times.

[1] *Karoli Magni Capitularia*, c. 36. [2] *Ibid.*, c. 38.

Mention of penitentials in episcopal inquiries.

It is noteworthy, however, that while all priests are to be prepared to hear confessions and to assign suitable penances, no mention is made of the penitential books which were by this time in such general use as guides for the clergy in their work of hearing confessions and assigning penances. But while the emperor's *Capitularies* of A.D. 802 make no mention of penitentials, the bishop and others who gave effect to the requirements of the *Capitularies* appear not to have used a corresponding reserve. In the *Monumenta Germaniæ Historica* is published a series of questions for the examination of the clergy, which is taken from a manuscript (*Cod. Monacensis* 14727) formerly at S. Emmeran at Ratisbon. The questions appear to have been issued by some bishop or archbishop at this period. First is recited the royal requirement that priests are not to be ordained before they are examined. The interrogation then proceeds :—

> "1. I ask you, priests, how ye believe so that ye hold the Catholic faith or creed, and how ye know or understand the Lord's Prayer.
>
> 2. How ye know or understand your canons.
>
> 3. How ye know or understand the penitential (*Benitentialem*)."
>
> . . . . . .

Thus the knowledge and understanding of a penitential are included in the articles of inquiry addressed to the clergy at this time apparently by a bishop. There is no specification of any particular penitential.

Another manuscript published in the *Monumenta* is a list of formulæ or documents which a priest should be required to learn. The date will be about the same (A.D. 803). Among these documents is a penitential (*Pœnitentialem*).

It thus appears that while no imperial pronouncement from Aachen is found to require in specific terms the use of a penitential, the bishops who put in force the instructions of the capitularies did so, at least in particular instances, by requiring acquaintance with a penitential.

Survey of Western Christendom.

At this point it appears desirable to pause for the purpose of making a general survey of the state of Western Christendom in the century preceding Charles the Great. The area covered by the more ancient churches of the Roman empire had been much reduced. The Christian churches of the African seaboard had been swept away by the flood of Muhammedan invasion. Not only was Egypt overwhelmed, but all the more Western churches were wiped out. The sees of Cyprian and of Augustine found place in Christendom no more. The remoter Christianity of Mauretania had also entirely vanished. Not only so, but the great Spanish peninsula was also a prey to the Musalman. In

the vicissitudes of combat the Christian Goths might here and there make head. But Spain had to be reckoned as outside Christendom. In Italy the southern part of the peninsula known as Magna Græcia, and the island of Sicily were also for a time distracted by Saracenic invasion; but ecclesiastically these regions were connected with the Eastern churches, and centred their allegiance not at Rome but at Constantinople. In the north of Italy the Lombard occupation had immersed the land in barbarism and ignorance. In central Italy and in Rome itself there was but little learning or spirituality. The history of the patriarchal see at this epoch is a sordid record of petty ambitions and animosities, of a brawling bandit "nobility" and intriguing ecclesiastics. Italy was then no source of light or leading. By the great rulers arising beyond the Alps it would be felt to be all but negligible as a spring of practical energy for purposes of disciplinary reform.

In the Gallic and South German churches of ancient foundation there generally prevailed a deep slumber of unspiritual existence. The bitter cry of Boniface is of bishops and priests who ruffled it in mail armour, and flaunted their concubines before an unmoved world.[1] Learning there was none. The light of the Spirit seemed to have well-nigh gone out. In the fierce clash of the dark centuries we do not hear so much the soft pleadings of some saintly lives as the unchastened passions of Brunhilds and Fredegonds. If the Frank and the German bore the Christian name, they had yet to put forth the flowers of the Christian life. And the old Gallic Christianity showed outworn and weary.

From this survey it will be seen that, at the close of the eighth century, putting aside the province of central Italy directly controlled by the pope, all that remained of the more ancient Christendom of the West was comprised in the empire of Charles the Great. It is this simple fact which is the key to the extraordinary historical result that the private system of Penance, and the recurring use of it, were imposed upon the whole Western Church by an impulse from the north.

The (1) Keltic and (2) English streams of fervour.

The Christian practice of this more ancient Christendom was generally at a terribly low ebb except where, first the Keltic, and now the English, zeal came in to revive its fervour. In an earlier section of this history it has been said that no miracle of the Christian Church was greater than her recovery from the effects of the conversion of the Empire. It may here again be said that no miracle of the later history of the Church is greater than her recovery from the condition into which she had fallen in the central regions of Europe in that period of history which is commonly referred to as the dark ages. The recovery was largely due under

[1] Bonifacius, *Zachariæ, Epist.* 49 (Migne, *P. L.*, LXXXIX. 745). This is no mere impatience of a married clergy (*concubinas quatuor vel quinque vel plures noctu in lecto habentes*).

God to the two streams of spiritual energy already indicated, both of which had their source in the British Isles. The first of these two streams had been that of S. Columbanus and the other Irish monks who had brought the Keltic fervour into the Frankish lands. It had resulted in an extraordinary multiplication of monasteries of the Keltic type dotted down here and there in the midst of the relaxed Christian population. The second was the later stream of the English missionaries who attacked the heathen lands of northern Europe, and who, wherever they came in contact with the older Christianity, sought to revive it. As part of this English apostolate may be reckoned the band of English scholars under Alcuin, who were welcomed at the very heart of the imperial administration, and exercised no little influence over the emperor's extensive projects of reform.

Charles the Great.

Charles the Great, or Charlemagne, occupies an unique place in the history of the Church of the West. He is a civil potentate who without hesitation or scruple enters on vast schemes of ecclesiastical as well as of civil reform, and who not only does this without let or hindrance from ecclesiastics, but has actually found a place among the canonised saints of the Christian Church. That this is so may be taken to indicate that the motives of his interference were known and recognised as motives of true charity towards the Church of Christ; and that his reforms were admitted to have been of valuable service. Charles the Great was, indeed, such a ruler as is only possible in a semi-barbarous age. His private life was stained by serious disorders. Yet his religious zeal was no hypocrisy. It cannot be doubted that he did from his very heart desire to raise the Church of his empire from the low level of unworthy practice into which she had so generally fallen.

The councils of A.D. 813.

The reform synods of A.D. 813 are an excellent example alike of the activity and of the temper of Charles the Great in ecclesiastical affairs. It was his real and earnest wish to revive synodical action in the Church, and to use it for the purpose of effecting great and salutary reforms. Accordingly he orders in A.D. 813 that five synods be held at the five centres of Mainz, Rheims, Tours, Chalon, and Arles. The notice in Einhard is as follows:—

> "By his command also councils were held by the bishops on the reform of the condition of the churches throughout the whole of Gaul. One of these assembled at Mainz, another at Rheims, the third at Tours, the fourth at Chalon, and the fifth at Arles; and a collation of the constitutions which were framed in these several synods was made in the presence of the emperor in that assembly (Aachen).[1]

These councils were thus summoned to take order for the reform of the condition of the churches. For whatsoever reason the

[1] *Annales.*

emperor preferred that the needed reforms should be treated by groups of bishops rather than by one great council of the empire. He accordingly orders the German bishops to meet at Mainz, the Burgundian at Chalon-sur-Saone, the Neustrian at Rheims, and those of Aquitaine and southern Gaul at Tours and Arles.

The synods at the five centres were, however, only synods to report. The great imperial assembly at Aachen which followed made its selection from their proceedings and gave effect to it. The bishops were esteemed, aided, and supported; but they were kept well in hand.

To the student familiar with the ecclesiastical atmosphere of the middle ages what seems astounding in all this is that the pope nowhere comes into it. The pope is not opposed; but he is not consulted. It cannot be said that Charles at any time showed a lack of the traditional respect and reverence which men accorded to the Roman see. But he regarded the whole of the interests of his empire, spiritual not less than temporal, as coming within the scope of his own office; and never paused to ask whether any needed administrative reform should first have found sanction from the pope.

Among the matters which at this time were calling for attention in some parts of the empire was the variant usage as regards Penance. There was the ancient tradition; and there was the modern practice. The ancient tradition would be everywhere in theory at least the public system of the Western churches as seen in the previous chapters of this history. Only death-bed confessions escaped public penance and public reconciliation by the bishop. Other confessions made in time of health would indeed be made privately and to a priest; but they would as a rule be preliminary to penance publicly endured by the penitents, and to public reconciliation accorded by the bishop at a solemn service on Maundy Thursday. Such penance would involve a special garb, with privation of the use of arms and of the cohabitation of marriage. It would also involve separation from other Christians at the solemnisation of Divine worship, a place being assigned to penitents apart from the rest of the congregation. Even after reconciliation there would follow grave disabilities for the whole term of life. Such was the ancient and *canonical* penance, a term which now comes into frequent employment. In the synodical decisions and ecclesiastical writings of the ninth century *canonical penance* means the ancient and public system as contrasted with the now prevalent usage of private penance which had no canonical foundation. But it would be a mistake to suppose that because in a time of controversy this canonical penance was continually appealed to as the true remedy for unauthorised practice, it was therefore in actual use to any large extent. As in the times of S. Cæsarius of Arles and of S. Eligius persons who apprehended

the approach of death would probably be found seeking the offices of the clergy in considerable numbers. But it would seem that public penance in time of health now more often found place by the action of authority than by the spontaneous desire of the sinners; and that it had come to be largely regarded as part of the penalty of public crime.

Alongside of this ancient tradition of public or canonical penance had grown up, in certain parts of the empire, notably the Frankish lands, the practice of private penance. The penitent not only made his confession in private to a priest, but the penance which followed was in no way brought under public observation or control, and the reconciliation was also effected privately by a priest without anything of public circumstance. The penances assigned in the current penitentials were often considerably more lenient than those which had been indicated by ancient canons for public penance; and not only so, but these current penitentials were at considerable variance with one another, while of all of them it was true that they could rather claim acceptance than authority.

Pronouncements on Penance.

It will be of interest to inquire now what light is thrown upon this state of affairs by the reform councils of A.D. 813. First may be taken the Council of Arles which represented the church of southern Gaul. On the subject of penance the Council of Arles has only this to say :—

> "That those who have been convicted of a public crime, be publicly adjudged guilty, and do public penance according to the canons." [1]

Arles.

This pronouncement at Arles, taken in connexion with that absence of confession to the priests in the province of Septimania, of which Alcuin complained, may be taken as indicative of the practice of southern Gaul. Public penance, as prescribed by the canons, was recognised and could be exercised in the case of persons guilty of notorious crimes, who had been convicted of their crimes. All else, it would seem, was out of use. The Keltic and English influences were far away.

Chalon.

The Council of Chalon-sur-Saone exhibits a condition of conflict in which the older usage of Gaul is struggling with the more modern teaching and practice of confession as a devout habit to be generally observed. In Canon 25 it is stated that

> "The performance of penance according to the ancient institution of the canons has gone out of use in very many places, nor is the order of reconciliation of the ancient custom preserved. Accordingly, let assistance be sought from the Lord Emperor, so that whosoever shall publicly sin shall be punished by public penance, and shall according to the order of the canons be excommunicated and reconciled, as his deserts require."

[1] *Can.* 26.

Thus in Burgundy the ancient use of public penance for public faults was in desuetude, and could only be exercised if the emperor were to supply coercive powers. The reference is to the meeting which was about to take place at Aachen under the emperor's presidency.

The various views current on the subject of confession are expressed in Canon 33 :—

> "Some say that they ought to confess their sins to God alone : but others are of opinion that they should be confessed to the priests. Within the holy Church both kinds of confession are made, and not without great fruit. So let us confess our sins to God only, Who is the Remitter of sins. . . . And according to the institution of the Apostle let us confess our sins one to another, and let us pray for one another that we may be saved. Thus the confession which is made to God purges sins, while that which is made to the priest teaches how these same sins may be purged."

It appears therefore that the Council of Chalon was prepared to admit a choice between confession to a priest and confession to God only. While, however, this choice is not withheld, the council expresses disapproval of such confessions to the priests as were inadequate in fulness.

> "He who makes confession of his sins is accordingly to be instructed that he make confession of the eight principal vices, without which it is difficult to live in this life; that he has sinned through the impulse of these either in thought, or, which is worse, in deed."[1]

The council thus recognises that if confession is made to a priest of the Church with a view to the absolution of the Church it should cover the whole ground of offence. At this period the eight principal sins, an enumeration derived from Cassian, are a commonplace and are constantly referred to as here without specification. They are :[2] (1) gluttony, (2) lust, (3) avarice, (4) anger, (5) despondency (*tristitia*), (6) moroseness (*accidia*),[3] (7) vainglory, (8) pride. The use of self-examination, or of questioning by the priest, which the enumeration of these sins indicates, shows the process of transition to the modern system. The penitent having come to confession because it is a good thing to come to confession when conscious of sin, proceeds now to find out in detail what his sins are.

The Council of Chalon-sur-Saone consisted of the bishops and abbats of the province of Lyons: and the position of these prelates as regards confession and penance may be discerned with

[1] *Can.* 32.

[2] *Penitentiale Merseburgense, Sermo de pœnitentia Joannis.*

[3] Forcellini, *Lexicon*, s. v., *Acedia, accidia*, proprie pigritia seu torpor est, sed apud Scriptores ecclesiasticos universim pro tædio et anxietate cordis. Quare Gregorius, M., in 1 Reg. I. i. c. 14, ita describit : Acedia est de laudabili virtutum exercitio utriusque hominis languida dejectio.

some definiteness from the canons which have been cited. Confession might be employed with benefit when the sinner made it to God alone. It might no less be beneficial when made to the priest. Public penance and public reconciliation had fallen into desuetude. The prelates would be glad if the imperial authority might be given at Aachen to compel the use of public penance in the case of public crimes. When persons made their confessions to the priests it was important that they should make them adequately, and to that end they were to be instructed as regards the "eight principal vices." This is practically the modern system of confession, though as yet with no thought of general obligation, and no mention of recurring practice at fixed intervals. For confession as thus employed the fathers of the council have nothing but sympathy and approval. But when their attention is directed to the penitential books which had come into use in the province in connexion with the practice of confession the tone of the council is altogether different. Canons 34 and 38 exhibit the keen conflict which was now at work between the apparatus of penitentials which had found acceptance, and the ancient canonical discipline of the Church. Canon 34 rules that no priest is ever by favour or enmity to any person to judge otherwise than he shall find in three recognised sources. These three sources are (1) the sacred Canons, (2) Holy Scripture, and (3) ecclesiastical Custom. Canon 38 repeats the reference to these three sources, and at the same time forcibly repudiates the use of the whole output of penitentials.

> "The measure of penance for those confessing their sins ought to be imposed, as has been said above, in accordance with either the institution of the ancient Canons, or the authority of the Holy Scriptures, or ecclesiastical Custom; the books, which they call *penitentials* being repudiated and altogether banished. In those books are errors of which there is no doubt, while their authorship is uncertain."

The canon goes on to complain that the penitentials assigned too light penances for grave sins. These books, and all of them, are utterly without authority. Authority was only to be found in the Canons, in the Scriptures, or in admitted Custom. As for these penitentials their authors were unknown and their mistakes were patent. They ought to be "repudiated and altogether banished." Clearly we are here on the track of a hot controversy. The confession of the penitent is treated with all respect: the penitentials are foreign, novel, and misleading, and should be cast aside. Such is the temper of the province of Lyons.

It will hardly have escaped the student that the Council of Chalon in its treatment of the subject of penance follows, emphasises, and developes the teaching of Theodulf of Orleans in his *Capitularies*, which had now been before the Church for perhaps a quarter of a century. Like Theodulf the council holds that

confession may be made with benefit either to a priest or to God alone. As by Theodulf, so by the council, public penance is approved and retained. Theodulf had insisted on the importance in confession to a priest of a clear discrimination of the sins confessed, and to that end of the accepted enumeration of the eight principal vices. The council does the same. Theodulf had indicated that for the measure of penance authority must be sought in the canons of the Fathers, and in Holy Scripture; and not in human pronouncements. The Council of Chalon bases on the Canons, on the Scriptures, and on ecclesiastical Custom: and attacks the penitentials definitely by name with outspoken vehemence, demanding that they shall be "repudiated and altogether banished."

Tours.

The "bishops, abbats, and venerable clergy met together in the city of Tours" [1] represented another area, of which the central city, illustrious by the glory of S. Martin, had quite recently come under the influence of the English Alcuin. It was in A.D. 796 that Charles the Great on the death of Itherius had appointed Alcuin abbat of S. Martin's. Alcuin died at Tours in A.D. 804. In the eight years of his rule the school of Tours had become the most conspicuous centre of the English learning on the continent of Europe. The school, as has been already noticed, had been the recipient of a special treatise on the subject of confession from the master's hand. It was at any rate his desire that the English practice of confession should here find general adoption.

It was in such a centre that the Council of Tours was held in A.D. 813 or nine years after the death of Alcuin. The twenty-second canon of the council deals with a condition of things in which many confessions are made, but in which the penances for sins assigned by different priests greatly vary. It is implied in the canon that this undesirable variety is at least in a measure due to the variety of penitentials. The Council of Tours accordingly submits to the assembly about to meet at Aachen that it is necessary, not to abolish the penitentials as so hotly insisted on at Chalon, but to indicate which of the penitentials is to be preferred. The district represented at Tours has, in fact, accepted the modern system of Penance, and the council recognises that some penitential is needed as a guide for the clergy. An authoritative penitential is desiderated.

Rheims.

At the Council of Rheims the subject of penance was freely considered (*ventilata est*). It was felt to be desirable that the priests should understand more certainly how they ought to receive confessions, and to indicate penances to the penitents "in accordance with canonical institution" (Can. 12). The eight principal vices were referred to, and the clergy were to be able to discriminate each class of sin (Can. 13). The bishops and priests were to give

[1] Mansi, XIV. 83.

good heed to such discrimination in the case of those who confessed to them, and to the due assignment of penance (Can. 16). Also a distinction was to be observed between those penitents who ought to perform public penance, and those whose private penance might be accepted (Can. 31).

The province of Rheims was the most northerly province of the Frankish church, and its shores were washed by the English Channel. At the Council of Rheims the same considerable practice of confession seems to be understood as at the Council of Tours. Here too the apportionment of penances is seen to be a difficulty. The phrase "according to canonical institution" may be noticed. At Chalon the canons were referred to as being in direct antagonism to the penitentials. Rheims has no express mention of penitentials. The requirement of public penance in cases calling for it is no doubt a protest against the complete introduction of the English use, which had no public penance.

Mainz.

The Council of Mainz is on the subject of Penance disappointing. The only canon referring to it is Canon 53, which lays down that incestuous persons unwilling to do penance are to be expelled from the Church till they accept it. It would have been interesting to have had some indications of the practice of the church of S. Boniface in the days of Charles the Great.

Capitulary of assembly at Aachen, A.D. 813.

Next to be considered is the *Capitulary* issued by the imperial assembly of Aachen (A.D. 813), before which the canons of the five synods came under review. Of the canons referring to Penance which have just been cited, the Aachen assembly selected for adoption the recommendation of the Council of Mainz that incestuous persons should be expelled from the Church till they did penance; and that of the Council of Arles that persons convicted of public crime should do public penance according to the canons. This latter canon, when adopted by the imperial assembly, complied also with the recommendations of the twenty-fifth canon of Chalon.

The canon of Chalon condemning the whole output of penitentials, and that of Tours which directly called upon the Aachen assembly to select a penitential which should be authoritative, are alike passed over in significant silence. It may probably be understood that neither Charles nor his theological advisers would be prepared either to condemn the penitentials, or to give exclusive authority to any one of them.

Capitula ecclesiastica.

This conclusion becomes almost a certainty in view of the last section of certain *capitula ecclesiastica* which may be assigned to this date (A.D. 813).

> "20. We have left over the inquiry into the adjudication of penance, by what penitential, or in what way penitents should be judged: and also of incest, who should be permitted to marry, and who not."

It has been suggested that this collection of *capitula ecclesiastica* may have been framed either in the imperial council, or in what would now be called a commission or committee. Such a committee might be appointed to deal with matters requiring more particular consideration than the general assembly could give to them.

It may be noted that the *capitula* thus issued, while declining to deal with the question of penitentials, do lay down (*c.* 15) that every priest is to possess a discriminating enumeration of "the greater or the lesser sins."

Council of Paris, A.D. 829.

The questions at issue had, however, become of too burning an interest to be permanently shelved. Sixteen years later the Council of Paris of A.D. 829 gives expression to a vehement condemnation of all penitentials.

> "Since many priests, partly by carelessness, partly by ignorance, impose upon those confessing a measure of penance determined otherwise than the canonical laws decree, making use in fact of certain documents written in opposition to canonical authority, which they style penitentials; and on this account they do not heal the wounds of sinners, but rather caress them and inflame them . . .; it seemed salutary to all of us in common that every one of the bishops should diligently make inquiry for these same faulty documents, and should deliver them when found to the flames, so that in future unskilled priests should not by their means deceive men."[1]

In *c.* 46 the practice of confession is made the subject of regulation. If nuns desire to confess their sins, they are only to make their confessions "in the church before the holy altar, with witnesses standing not far off." If by reason of infirmity confession at home is necessary, it is still required that there should be "witnesses standing not far off." Monks are not to leave their own monasteries to go to the convents of nuns in order to hear their confessions. It is not considered fitting that either clerks or lay-people should betake themselves to the monasteries for confession, declining the ministry of their own bishops and priests. These, after the fulfilment of the periods of penance, would accord reconciliation according to the canonical institution, if the bishop gave authority. Thus the Council of Paris would revert (1) to the withholding of absolution till the penance had been fulfilled, (2) to the assignment of penances indicated by the canons, and (3) to reconciliation only on episcopal authority (*si episcopus jusserit*).

Practice of confession established.

The Council of Paris, however, represents the extreme swing of the pendulum in the conservative direction. The practice of private confession on the understanding that the penance and the

[1] *Cap.* 32.

reconciliation would also be private was by this time far too well established in the Frankish and German lands to be readily set aside. It was not universal: it was not compulsory: it was chiefly concerned with grave sins: but it was prevalent.

Jonas of Orleans.

As regards the practice of what is now central France, Jonas, bishop of Orleans from A.D. 821 to A.D. 843, makes the following statement:—

> "It is the custom of the Church to make confession of the graver sins to the priests by whom men are reconciled to GOD. But they are very few who make mutual confession of daily and trivial offences, except the monks who do this every day."[1]

This passage occurs in the *De institutione laicali*. In the same treatise Jonas quotes from Origen a passage indicating seven modes of remission of sin.[2]

German formulæ.

In Germany at this time the prevalence of confession may be inferred from the interesting vernacular forms of confession which are to be found in the collection of Müllenhoff and Scherer. An extract from one of them, the Fulda formula of confession, which is assigned to A.D. 830, is given above.[3] The formula begins thus: "I confess to GOD Almighty, and to all GOD's saints, and to thee, GOD's man, all my sins." A similar opening characterises the other confessions of this group.

Ebbo calls for a revised penitential.

Halitgar.

Not long after the Council of Paris a prominent Frankish ecclesiastic, Ebbo, archbishop of Rheims, proceeded to take what seemed to him reasonable action.[4] He called upon one of his suffragans, who was also his personal friend, Halitgar, bishop of Cambray, to take in hand a much-needed work for which he could not himself find leisure, a penitential based upon the Fathers and the Canons.

> "What greatly urges me in this matter is that the judgments for penitents in the handbooks of our priests are so confused, so various, and so inconsistent, while they are supported by the authority of no one, that by reason of their discrepancy they can hardly be determined."

Halitgar agreed to undertake the task, though with a keen appreciation of the difficulties which it involved.

> "That I should collect in one volume a penitential derived from the pronouncements of the holy Fathers, and of the Canons: yet this command was to me hard, and very difficult, and matter of dread, that I should undertake a burden which I know to have been left alone by prudent men."

[1] *De institutione laicali*, i. 15.

[2] *Ibid.*, i. 5.

[3] For date see Kossinna, G., in *Quellen und Forschungen zur Sprach-und-Culturgeschichte der Germanischen Völker*, Heft xlvi. p. 95 (1881). It is from a variety of linguistic indications that Dr. Kossinna is able to fix the date of the Fulda confession at approximately A.D. 830.

[4] Ebbo was deposed in A.D. 830 for his share in the conspiracy against Louis the Pious.

It was indeed an impossible task. No man could compile from the Fathers and the Canons alone a handbook which would be consistent with itself, which would cover the necessary ground, and which could be presented in serviceable form. When Halitgar has made his compilation from the indicated sources he frankly admits that it is inadequate for practical purposes.[1] He accordingly adds to it the *Pœnitentiale Romanum*, which he describes as derived from the archives of the Roman church (*de scrinio romane ecclesie*).

> "We have also added to this work of our selection another, the Roman, penitential, which we have taken from the archives of the Roman church, though by whom it was put forth we do not know. We have decided that it should be attached to the prescribed decisions of the canons for this reason, that if it happen that these promulgated (*prolate*, or if *probate, approved*) decisions seem to any one diffuse, or if he should be unable to find there what he wants with respect to the offences of particular persons, he may perhaps at any rate find treated the offences of all in this final summary."

His use of the *Pœnitentiale pseudo-Romanum.*

In recent years Bishop Schmitz, to whose labours in connexion with the Penitentials all scholars are indebted, has sought to find in Halitgar's statement that he had taken the *Pœnitentiale Romanum ex scrinio, from the muniment chest* of the Roman church, a proof of the use of this penitential at Rome. In considering the *Pœnitentiale Romanum* at the close of the preceding chapter of the present work reasons were given for the conclusion that the penitential proper was produced about A.D. 650 somewhere in the Frankish lands within the influence of the Keltic monasteries. More than twenty of the penances are based on Columbanus, and six on Gildas. But the compiler has added to his penitential two offices derived from the public system of Penance, an office for according Penance, and an office for the reconciliation of the penitent; and the prayers in these offices are largely derived from the Roman Sacramentaries. This accounts sufficiently for the name *Pœnitentiale Romanum* which was commonly accorded. When Halitgar nearly two hundred years later undertook to produce a penitential derived from authoritative sources, he seems to have not unnaturally regarded the name *Pœnitentiale Romanum* as indicating a Roman origin: and when he states that he has taken the penitential *ex scrinio Romane ecclesie*, from the muniment chest of the Roman church, it is not therefore to be assumed that he had consulted Roman manuscripts, or that any such had been

[1] The first five books of Halitgar's compilation are headed as follows:—

1. *De vitiis octo principalibus.*
2. *De vita activa et contemplativa.*
3. *De ordine pœnitentium.*
4. *De vitiis laicorum.*
5. *De ordinibus clericorum.*

The penitential is the sixth book.

communicated to him. He takes it for granted without hesitation that the penitential is of Roman origin: and then, in the Latin which he wrote none too easily, he is glad to express this by a phrase which he has come across somewhere, perhaps in Boniface, the phrase *ex scrinio Romane ecclesie.*

Rabanus Maurus.

In the German provinces curiously parallel action was taken. In the year A.D. 842 Otgar, archbishop of Mainz, called upon Rabanus (Maurus), then abbat of Fulda, in earlier days a pupil of Alcuin, to make a concise selection from the Canons and from the conclusions of the holy Fathers. This Rabanus accordingly did, producing a treatise of value, which he styled *Pœnitentium Liber.*

Rodulf of Bourges.

Other attempts were made at this time to compile penitentials from authoritative sources only. Rodulf, archbishop of Bourges (*c.* A.D. 850), repeating the charges current against the penitentials, compiled a guide for priests in one volume from "the pronouncements of the holy Fathers, and of the Canons." A similar intention is discernible in the anonymous compilation known as the *Collectio Dacheriana*, and in that which Bishop Schmitz styles *Collectio Vaticana.*[1]

Council of Mainz, A.D. 847.

Five years after the production of the *Pœnitentium Liber* Rabanus became himself archbishop of Mainz. He is found presiding at the Council of Mainz of A.D. 847: and at that council it is laid down by the thirty-first canon that penances should be based on one of three specified sources.

> "The measure and duration of penance for those confessing their sins ought to be imposed by the priests either (1) in accordance with the provisions of the ancient Canons, or (2) the authority of the Holy Scriptures, or (3) ecclesiastical Custom."

Thus the Council of Mainz enumerates as the authoritative sources regulating the measure of penance (1) the Canons, (2) the Scriptures, (3) ecclesiastical Custom. It may be recalled that the Council of Chalon in A.D. 813 had employed the same enumeration of sources. Both councils omit any specific mentions of Fathers: and both are careful to specify besides Canons, Holy Scripture and ecclesiastical Custom.

Public penance now only for public sin.

It was noticed above that Theodulf of Orleans was a late, and perhaps the latest, exponent of the ancient view that public penance was required for capital sin, whether that sin was public or private. From his time onwards another view is found everywhere prevalent. Already in A.D. 819 Rabanus in his *De clericorum institutione* lays down:—

> "Those whose sins are secret and have been revealed by them in spontaneous confession to the priest or bishop alone; the

[1] Schmitz, *Die Bussbücher*, I. 715 *sqq.*

penance of these ought to be secret in accordance with the judgment of the priest or bishop to whom they confessed, lest the weak in the Church should be scandalised, seeing their penances, but being entirely ignorant of the grounds of them."

Again, in the same thirty-first canon of the Council of Mainz (A.D. 847) already quoted the following passage occurs :—

"But a distinction is to be observed between the penitents who ought to do penance publicly, and those who may do it privately. For if any sin publicly, it is fitting that he should be punished by public penance, and should be both excommunicated and reconciled as he deserves in accordance with the procedure of the canons."

Thus the principle now adopted, a principle which will henceforth find unopposed acceptance, is that a capital sin does not entail public penance unless such sin is itself public or notorious.

Rodulf of Bourges (*c.* A.D. 850) repeats this distinction, as accepted at Mainz, in his *Capitula* (*c.* 34). In A.D. 857 Hincmar, archbishop of Rheims, in his *Capitula* of that year, rules that public homicide, adultery, perjury, and the like, are to be publicly dealt with. The offenders are to appear before the dean and his fellow presbyters, and then before the bishop himself, and to "receive in accordance with tradition canonical public penance with the laying on of the hand."

In a synod held at Mainz in A.D. 852 Canon 10 is as follows :—

"If any have secretly committed incest, and have made confession secretly to the priest, he is to be informed of the canonical remedy, which he would have had to undergo, if his deed had been public: but because what he has done is unknown, let counsel be given him by the priest, and let him provide for the salvation of his soul by secret penance: that is to say, let him repent truly from his heart that he has gravely sinned, and let him hasten to purge himself by fastings and vigils and by holy prayers with tears, and so let him trust that he will attain to the hope of pardon by the mercy of God."

The authors of these provisions were probably unaware that in admitting private penance for private capital sins they were departing from the mind of the ancient Church. What above all was at this time matter of concern to conservative Churchmen on the continent of Europe was to preserve the ancient use of public penance for public offenders, and not to admit the entire adoption of the exclusively private system which prevailed everywhere in the British Isles.

Penances imposed.

Notwithstanding the maintenance of public penance in grave cases of public offence it is however to be noticed that the character

of the penances imposed has now changed in the direction become familiar by the provisions of the penitentials. Thus, in Canon 11 of the Council of Mainz of A.D. 852, the case of a man who has slain another in a brawl in which several persons were engaged is met by the imposition of seven years' penance "in accordance with the enactments of the canons." But the seven years are mapped out as follows. For the first forty days the offender is to do penance on bread and water and pulse and herbs, "and let him abstain from his wife and from entering the church: then for three years let him abstain from flesh, wine, mead, and honeyed beer, except on feasts and in grave sickness." For the remaining four years he was only required to abstain from flesh three week-days in each week and three periods of forty days in each year.

Ninth century a period of conflict as to *Penance*.

It is sufficiently clear that on the continent of Europe in those regions which are now known as France and Germany the ninth century was a period of much controversy and conflict on the subject of penance. In those regions the ancient system of public penance was traditional, and in a measure still survived: while no doubt also the ancient use of private penance on the approach of death would be largely employed. In the course of the seventh and eighth centuries the system of private penance in time of health, which had obtained vogue in the British Isles, was introduced to the continental churches by two successive waves of influence. Of these the first was the influence of the Keltic monastic communities; the second the influence of the English missionaries and scholars.

The situation resultant from these various forces was for a time a situation of intolerably divergent use. The authority of the penitentials was angrily challenged: but for the most part no similar passion was aroused by the practice of private penance provided that it did not assume to deal with capital sins which were notorious. It was felt, however, that such penance should be regulated by adequate authority: and an attempt was made to specify such authority. Sometimes the Fathers and the Canons are referred to: sometimes Holy Scripture is added: sometimes also ecclesiastical Custom. Accordingly, as has been seen, handbooks are produced which endeavour to collect the pronouncements of such accepted authorities.

The experience of the last half of the ninth century found, however, that these new compilations were in fact only so many new penitentials, and that as such they were less useful for practical purposes than the best of the earlier penitentials which had been so freely condemned. After all, a penitential was only valuable so far as it was a serviceable handbook for the priest's office in the confessional: and for this purpose the newer compilations were in practice inferior to such penitentials as those bearing the names of Theodore and of Bede. At any rate, by the end of the ninth century the controversies and the new compilations are in

the empire north of the Alps alike laid aside: and the ever-increasing use of private penance now becomes authoritatively regulated by recognised penitentials.

Some reference has already been made to Regino of Prüm. It was about the year A.D. 906 that Regino, abbat of Prüm in what is now (A.D. 1915) Rhenish Prussia, produced two books *De Synodalibus Causis et Disciplinis Ecclesiasticis*. This compilation or code, which was carefully edited by Wasserschleben in 1840, is well known to students of the canon law. At the commencement of the first book Regino gives a list of articles of episcopal visitation. (*Notitia, quid episcopus vel eius ministri in sua synodo diligenter inquirere debeant per vicos publicos sive villas atque parochias propriæ diœcesis.*) The last of these articles requires the priest to be in possession of a penitential.

Regino of Prüm, A.D. 906.

Penitential required,

> "96. If he have a Roman penitential, either that put forth by Theodore the bishop, or by the venerable Bede, so that in accordance with what is there written, he may either question the person when confessing, or impose the (due) measure of penance upon him when he has confessed."

The requirement that every parish priest shall possess a penitential, and that penitential one of two of English origin, is thus considered to be a proper requirement in the Rhenish provinces of the empire at the commencement of the tenth century. Every parish priest is not only to be prepared to receive confessions, but he is to regulate his administration of Penance by particular penitentials; and those not the revised compilations of the middle of the ninth century with their appeal to Fathers and Canons, but the English penitentials bearing the names of Theodore and Bede.

either Theodore's or Bede's.

Later on in the same compilation, in a section headed *Of Confession and Penance* (I. 292), he recommends the now general practice of confession at the beginning of Lent.

Confession in Lent.

> "The priests ought to admonish the people under their care that every one who feels himself to be affected by a wound of mortal sin, do recur with all assiduousness on Ash Wednesday to life-giving Mother Church, where having confessed simply what he has done amiss with all humility and contrition of heart, he may undertake the remedies of penance according to the measure prescribed by the canonical authorities, and may be delivered to Satan for the perishing of the flesh that the spirit may be saved in the day of the Lord."

He goes on to say that not only those who have committed mortal sins, but all others, would do well at the commencement of Lent to have recourse to their proper priest and to make humble confession. Here is a recommendation which at this early date is worthy of attention. Persons who have only venial sin upon their

even for those free from mortal sin.

consciences will yet do well to make their confessions each year when Ash Wednesday comes round.

In the same section he cites from Halitgar's collection the provision that only bishops and priests are to administer Penance; except that, in cases of necessity, where no priest is present, a deacon may admit the penitent to the Holy Communion.

Discretion of the priest.

It will hardly have escaped the student that whereas in the Eastern churches the final supremacy of the discretion of the bishop had been recognised from early times, in all these controversies of the West the discretion of the priest administering penance is but little regarded. He may follow Penitentials, or Canons, or Fathers, or Scripture, or Customs: but the one thing which at this period no one has told him to follow is that personal discretion for which he may rightly expect a guidance from on high. Yet this discretion must needs have played a very considerable part in the face of the many conflicting authorities to which the priest was referred: and the recognition of its claim sooner or later was, in fact, inevitable. In the latter half of the ninth century such recognition finds adequate voice. By the Council of Worms of A.D. 868 the following canon was put forth:—

Council of Worms, A.D. 868.

> "Penances are discriminated for penitents by the judgment of the priest according to the difference of sins. The priest ought, therefore, in giving penance to consider the causes of each one by one, also the origin and the measure of the offences and to investigate diligently, and to obtain clear knowledge of the sentiments and the groans of the offenders: also to give attention to the qualities of times and persons, of places and ages: in order that, having regard to places, ages, and times, as also to the character of the offences, and to the contrition of each offender, he may not turn away his eyes from holy rules."

Here an attempt is made to specify some of the more or less intangible material which should find consideration in the judgments of the priest. The necessary result of a recognition of such material is a greater freedom of judgment.

Council of Tribur, A.D. 895.

At the Council of Tribur in A.D. 895 there is left to the discretion of the bishop the penance to be assigned in certain cases of some interest. In campaigns between Christians and pagans it sometimes happened that Christian slaves in pagan service were slain with their masters. At the discretion of the bishop forty days of some measure of penance might meet the case (*c.* 34). So, again, the case of a child burnt to death through the mother's negligence might be dealt with at the discretion of the priest (*c.* 37).

In no very long time the discretion of the priest would come to supersede all more formal provisions.

Lombardy.

Attention may now be turned to the Italian lands. First

Lombardy has its own history: and then there is the Italy of the Popes. It would appear that in all the country south of the Alps the system of private penance and private reconciliation by a priest is unknown, except for the influence exercised by the important monastery of Bobbio, founded by S. Columbanus, and any daughter houses which reflected its spirit.

Its history.

The history of Lombardy may be briefly recalled. On the exhausted and defenceless provinces of northern Italy from which Belisarius and Narses had driven the Goths in the middle of the sixth century the rude and ruthless Langobards under their king Alboin had in the year A.D. 568 descended in a devastating stream from what are now the plains of Hungary. The people whom they subdued and oppressed were Italian Catholics of long-continued Christian tradition, and with a complete Catholic hierarchy occupying historic sees. The Langobards, or Lombards, as they may now be called, were of Christian profession, but Arians: and thus once more the heresy of the Goths descended upon Italy, and with it a ministry of Arian bishops and priests. The Lombard kingdom in Italy lasted from the conquest of Alboin in A.D. 568 till the defeat of Desiderius by Charles the Great in A.D. 774. In the earlier portion of this period the Arianism of the Lombards and the Catholicism of the Italians existed side by side, and the Arian and Catholic bishops jostled one another. But towards the close of the sixth century, largely as a result of the influence of the Catholic queen Theodelinda, a beginning of reconciliation was made; and it was not long before Arianism gave place altogether to the Catholic faith and system. From A.D. 650, roundly speaking, Lombardy was Catholic, and its faith and hierarchy were the faith and the hierarchy of the ancient Italian tradition.[1]

When in A.D. 774 the Lombard power perished Charles became master of Italy with the title of king of the Franks and Lombards. In A.D. 800 Pope Adrian I. assumed to bestow the Roman empire, and crowned Charles emperor of the Romans.

Lombardy has its own laws and traditions.

Lombardy under Charles is not to be thought of as taking over the laws, the customs, or the religious observances of the Franks. The conqueror recognised in the conquered province different systems of personal law as the English do now in India: and these systems were not Frankish systems. For the Italian provincials the Roman law was recognised: while the Lombard law still claimed the allegiance of the Lombards. So, again, the religious traditions of the ancient Italian cities were their own, and knew but little of the merits or the faults of the Christian practice of the Frankish lands.

Bobbio.

One important centre, indeed, there was, which from the first was a focus of the Keltic spirit, alike for monk and penitent and student. In A.D. 610 S. Columbanus had been driven from

[1] An admirable *précis* of the history of the Lombards by the late Dean Church will be found in the *Encyclopædia Britannica* (Art. "Lombards, ed. ix.).

Luxeuil, and when a little later Bregenz was found to be no better home for him, Agilulf, king of the Lombards, the second husband of queen Theodelinda, offered the saint an asylum in the wild gorges of the Apennines in the tract between Genoa and Milan. Agilulf was himself an Arian, and the courtesy may be better ascribed to Theodelinda: but here at any rate at Bobbio Columbanus gladly made his home in A.D. 613, and near Bobbio in A.D. 615 he died. But when he died his new foundation was accomplished. Bobbio was another Luxeuil reproducing all the features of the Keltic monastic system. Among these must be reckoned the Keltic system of private penance. It may, then, be understood that at Bobbio, and at any daughter houses connected with it, the Keltic system of Penance found observance.

Here private penance,

Elsewhere in the provinces of Lombardy there is no evidence at this time of the practice of private penance. The next evidence to be noticed is an important letter by Paulinus, patriarch of Aquileia. This letter, which was written in A.D. 794, is addressed to a Lombard named Heistulf, who had killed his wife on suspicion of unfaithfulness. In the letter Paulinus offers Heistulf his choice of two forms of penance. The better and easier course for him would be to leave the world and enter a monastery. There in the simple observance of all that should be commanded him he might hope to obtain the Divine pardon.

but not elsewhere in Lombardy. Paulinus of Aquileia.

The alternative course would be if Heistulf elected to remain in the world, and to do public penance. The enumeration of the details of such public penance is not only of high historical interest to the student now, but was recognised by the contemporaries of Paulinus as supplying a valuable and authoritative statement. It was copied by several bishops, and found a place in the codes of the canon law.

> "But if thou desire to do public penance while remaining in thine house or in this world, which, as thou mayest be well assured, is heavier and harder and worse, we give thee exhortation that thou must act as follows. Every day thou livest thou must do penance: thou mayest not drink wine or any strong drink, and thou mayest eat no flesh at any time except at Easter and at Christmas. Do thy penance in bread and water and salt. Persevere continually in fasts, in vigils, in prayers, and in alms. Never presume to wear weapons or to go to law in any place. Thou mayest never marry a wife, or have a concubine, or commit adultery. Thou mayest never presume to wash in the (? public) bath, or to mix in the convivial assemblies of those who make merry. In the churches thou must place thyself behind the doors and the posts in separation from other Christians, and must commend thyself in supplication to the prayers of those who enter and who pass out. Thou must abstain from the communion of the sacred Body and Blood of Christ all the days of thy life as regarding thyself unworthy: but only on the final day

of departure from thy life we concede to thee that thou mayest receive It as a Viaticum, and by way of pardon, if thou art deserving, and there be any to give It thee."

Not the least interesting fact about Paulinus of Aquileia is that he had been a scholar of the palace school at Aachen, and that he had formed relations of close friendship with Alcuin, relations which were retained in after years. It is thus more likely than not that he was fully acquainted with the English private penitential usage which Alcuin so earnestly commended, and probably also with the line taken by Theodulf in upholding the ancient public penance for capital offences while admitting full freedom of private confession.

The present letter may be regarded as the contribution made to this now pressing question by Paulinus himself. In North Italy with the old Italian tradition behind him the recognised course of penance for a capital offence is the ancient public penance of the Church. One alternative, and only one, Paulinus is willing to entertain. If the offender will give up the life of this world altogether and enter a monastery, that course will be at once the better and easier course for the penitent himself, and a course which the Church may recognise. In thus indicating a monastery Paulinus does not seem to contemplate, like some of the earlier Italian provisions, a temporary retirement with a view to the public reconciliation of the Church at the end of it. The offender is to go into a monastery and to remain in it for life. He is not asked to come to the church at any future time for reconciliation, but he is told to comply with all that the abbat will require of him, and he may then hope for the Divine forgiveness. The public order of the Church has done with him: the monastery will alone have concern with him. Paulinus indicates monasteries generally: but it may well be that Bobbio, with its high reputation, and its Keltic system of penance, was foremost in his thoughts.

Alternative penances for wife murder:

(*a*) a monastery for life,

Failing the monastery, public penance has to be undertaken. Paulinus is directly addressing a penitent, and naturally is not called upon to indicate the sources which may be accepted as authoritative in the prescription of public penance. Instead he gives a clear enumeration of the particular features which must characterise such public penance. It is doubtless the result of his own study of the ancient, and, more particularly, of the Italian, tradition.[1] Penance means fasting on bread and water and salt: with abstinence from meat and wine except at Easter and Christmas. This particular feature is perhaps rather a reflection of the penitentials. Penance means perpetual observance of

(*b*) public penance as specified.

[1] Paulinus has left an exhortation to repentance which Martène and Durand affirm to be made up of extracts from S. Augustine, S. Ambrose, S. Jerome, S. Gregory, S. Chrysostom, S. Ephrem and others. The exhortation is not concerned with the procedure of Penance, but shows that penitence was a subject of study with Paulinus (*Veterum scriptorum amplissima collectio*, I. 508–510).

fasts and vigils, of prayers and alms. There may be no wearing of weapons: no suits at law: no marital intercourse: no assemblies of pleasure. In the church are to be observed the ancient usages of the separate place assigned, and of the supplications addressed to the faithful. There may be no communion till the end of life, when the Viaticum may be accorded.

It may be noted that among the disabilities is not specified the undertaking of commerce: nor are there any prescriptions as to garb or the shaving of the head.

Thus for the grave capital offence of putting a wife to death on suspicion of infidelity Paulinus recognises two courses of penance as possible, and two only. One is the lifelong adoption of the monastic devotion: the other is the ancient use of public penance. The possibility of private penance otherwise than as a monk is not admitted.

Council of Pavia, A.D. 850.

The council held at Pavia in A.D. 850 affords important evidence of the Lombard practice in the matter of penance in the middle of the ninth century. It was held under the joint presidency of Angilbert, archbishop of Milan, Theodemanus, patriarch of Aquileia, and of another bishop named Joseph, who is described as *venerabilis episcopus atque archicapellanus totius ecclesiæ in qua hæc constituta sunt.* It will be remembered that north of the Alps there had by this time come to be a general recognition that, if public offences were to be dealt with by public penance, all offences not matter of public knowledge, however grave they might be, could be dealt with by private penance, and that private reconciliation in connexion with such penance could be accorded by a priest. The position taken up at Pavia is very different. The seventh canon of the council may be quoted at length.

> "In every town and village the presbyters should give heed to the way in which penitents observe the form of abstinence imposed upon them, and as to whether they exercise the bestowal of alms and other pious works of merit for the remission of sins, and with what contrition of heart or lamentation they afflict themselves: that, by such consideration of the penalty the time may be given a reasonable limit, and may either be extended, if the penitent have but negligently followed what was enjoined upon him; or may be curtailed, if he have earnestly sought to deserve the appeasement of pardon. But the reconciliation of penitents, according to the enactments of the ancient canons, ought to be effected not by presbyters but by bishops: unless it happen that any be in a condition of danger, and earnestly entreat that he may be reconciled. If the bishop be absent, the presbyter ought still to consult him, and so to reconcile the penitent in accordance with his instructions. But in any other case, just as neither the making of chrism nor the dedication of virgins ought to be effected by presbyters, so also the reconciliation of penitents ought in no wise to be effected by them: because

to the bishops alone, who hold the place of the apostles by the imposition of hands, is this conceded in the Church. For it was to the apostles that the concession was made, the Lord saying to them: *Receive the Holy Ghost. Whose sins ye do remit, they are remitted unto them: and whose sins ye do retain, they are retained.*"

The bishop to reconcile.

This canon is of the utmost significance. It cannot be doubted that the bishops of Lombardy, assembled in their capital city of Pavia in A.D. 850, were well acquainted with the trend of penitential practice north of the Alps, and that they knew perfectly well that north of the Alps reconciliation was now everywhere accorded by priests, except that in certain areas of Germany and Gaul the ancient public reconciliation by the bishop was employed for offences having the character of public crime. Yet here they utter a conciliar pronouncement, in which all reconciliation by the priest except in case of grave necessity is forbidden. The position they take up has not been shifted a fraction from the Italian position of the fourth and fifth centuries. The presbyters are to take order for the due observance of the penance, and are to assign a term to it as the particular case may require: but the reconciliations are to be effected by the bishop. The provision might be the provision of Marcellus when he organised the twenty-five titles of the Roman clergy, or of Ambrose when he solemnised the Good Friday reconciliations of the church of Milan.

It appears to be clear that if the Lombard bishops could thus pass a canon restricting reconciliation to the bishops, except in cases of severe necessity; a canon which, even where feeling ran highest against the penitentials, could never in the century preceding A.D. 850 have been passed at any council of bishops north of the Alps; the practice of Lombardy must still have been the practice of the earlier centuries, and private reconciliation by a priest must have been all but unknown.

Atto of Vercellæ.

This conclusion is entirely corroborated by the evidence next to be cited, which is the *Capitulary* of Atto, bishop of Vercellæ, the date of which may be given as about A.D. 945. It is thus a century later than the Council of Pavia, and comes at the extreme close of the period under consideration in the present chapter. In *c.* 90 bishop Atto directs as follows:—

> "A presbyter ought not to enjoin the laws of penance without any regard to the person or the case: but let him assign the times of penance or reconciliation by the judgment of the bishop. And let not a presbyter reconcile a penitent without consulting the bishop, save with the bishop's permission."

The priest is to guard as far as he can against the lapse of his people into sin. If sins occur, he is to incite the offenders to Penance; and, if they are remiss, to report them to the bishop on

Ash Wednesday. If the offenders are present on Ash Wednesday he will carefully explain the penance. Cases of special requirement he will refer to the bishop for instruction, or in his absence to the *cardinals* of the see city. On the day of reconciliation, which is the *Cœna Domini*, the priest will be present and instruct the persons as to what they have to do.

It will be seen that in all this the priest is given no authority which was not his in the fourth and fifth centuries: and that even that authority is now somewhat jealously guarded. It is, as of old, only the bishop who reconciles in ordinary cases: and he does this, as of old, on the Thursday before Easter: but, whereas in earlier times the priests penitentiary, at least at Rome, appear to have heard the confessions, assigned the penances, and determined the sufficiency of the satisfaction for reconciliation, leaving for the bishop only the formal rite of absolution; here in a Lombard city in A.D. 945 the priest is instructed to assign penances by the judgment of the bishop, and it appears to be intended that he shall present the offenders on Ash Wednesday, when the penances are to be enjoined and explained. Also any special circumstances supervening and calling for modification of the judgment, such as sickness or marked devotion, are still to be referred to the bishop.

This is all in entire contrast with what was going on north of the Alps. It may be added that the bishop's particular concern with individuals here indicated, while it was possible in a small Lombard diocese, would never have been possible in Rome, or in the large dioceses of central and northern Europe.

From this varied evidence it appears to be clear that except for the influence of Bobbio, the private system of penance and reconciliation was not practised in Lombardy in the period from A.D. 650 to A.D. 950.

The Italy of the Popes.

From Lombardy we pass to the Italy of the Popes. In Rome and Central Italy the popes had long exercised the greatest present authority and the most efficient protection. The Byzantine emperor was far away. From the middle of the eighth century the popes placed themselves under the protection of the Frankish princes. There came to be recognised a domain of Peter, where the popes were permitted to rule without molestation. Within this area the pope was now, in fact, supreme.

The Order for public penance.

In considering the history of public penance in the period closing with A.D. 650 it was seen that from some date, conjecturally assigned as about A.D. 650, there was in use at Rome a highly interesting form of procedure for the solemn expulsion of penitents from the church. This form of solemn expulsion is still retained in the *Pontificale Romanum*. There can be little doubt that during the three centuries of the present period (A.D. 650 to A.D. 950) it was in use in the Roman Church for penitents who undertook or were subjected to public penance.

The question arises whether at this time any other sort of penance, except for the sick, found recognition at Rome. Some recent students, notably Bishop Schmitz, maintain that penitential handbooks for the exercise of private penance were in use at Rome at this time, and that it was from Rome and with these penitentials as a starting-point that the use of penitentials in the countries north of the Alps took its origin. The evidence for this contention must now be examined.

No penitentials of Roman origin.

A penitential for which the claim of Roman origin has been put forward at least since the days of Halitgar is the so-called *Pœnitentiale Romanum*. This penitential has already been considered in these pages. So far as concerns the penitential proper, or code of penances, the *Pœnitentiale Romanum* is based upon Columbanus, Gildas, and other non-Roman sources. The forms for according Penance and for the reconciliation of the penitent are derived from the offices of public penance, probably those in use in the Frankish lands. They are to a considerable extent derived from the Roman Sacramentaries, and they account sufficiently for the name *Romanum* which came to be applied to this penitential. There is no sort of evidence that the penitential itself had any connexion with Rome.

Bishop Schmitz would claim Roman origin for other penitentials such as those he publishes under the names (1) *Pœnitentiale Valicellanum I*, (2) *Pœnitentiale Valicellanum II*, (3) *Pœnitentiale Casinense*, (4) *Pœnitentiarium Summorum Pontificum*, (5) *Pœnitentiale Arundel*.[1] The manuscripts of some of these penitentials are in Roman libraries: and some of them, like the *Pœnitentiale Romanum*, reproduce the public forms for according Penance or reconciliation: but an examination of the details of the actual penances shows clearly their non-Roman affinities. The student who desires to pursue the study of these penitentials farther is referred to Schmitz and to Wasserschleben.

The *judicium pœnitentiæ* sent by Nicholas I. to the Bulgarians.

Next may be noticed an incident on which much has been built. In the year A.D. 866 the new Christians of Bulgaria addressed a number of questions to Pope Nicholas I. Among them was a request for a *judicium pœnitentiæ*. The phrase *judicium pœnitentiæ* was at this time very commonly used as a synonym for *penitential*: and it may be assumed that when the Bulgarians asked for a *judicium pœnitentiæ* they did, in fact, want a penitential such as those which they had doubtless learned to be in use in the Frankish empire. Nicholas I., who attended with great care to all the Bulgarian references, endeavoured to meet this request. This is what was written by him or on his behalf:—

> "The *judicium pœnitentiæ* for which you ask, our bishops whom we have sent into your country shall certainly bring with them among their documents: or, at any rate, the bishop who will be ordained among you will exhibit it when there is

[1] Schmitz, *Die Bussbücher und die Bussdisciplin der Kirche*, pp. 227–465.

occasion: for it is not suitable that secular persons should have anything of this kind, since no ministry of judgment by these means is assigned to them." [1]

According to Bishop Schmitz this reply is proof that penitentials were known and *used* in Rome in A.D. 866.

What the reply of Nicholas I. does certainly say is that he is sending to the Bulgarians a *judicium pœnitentiæ*. Nothing is known as to the document so sent. It may have been one of the penitentials which were in use in the churches beyond the Alps: or it may not have been, strictly speaking, a penitential at all. There was probably at this time in Rome some acquaintance with the *Penitential of Theodore*, with the *Penitential of Columbanus*, and with the so-called *Pœnitentiale Romanum*. It may well have seemed to the pope that if the new converts of Bulgaria desired to make use of documents which had proved of great service in the northern missions, the best course would be to let the Bulgarians have them. It is not known that the Roman pontiff had any quarrel with the methods of Theodore or of Bede. But is there any proof anywhere that penitentials of whatsoever origin were *used* in Rome?

This not to be shown to secular persons.

Certainly one feature in this reply will strike the student as remarkable. The *judicium* is not to be shown to secular persons: the reason given being that the commission to exercise the judgment of penance is not given to them. The document was thus to be carefully guarded, the bishops or bishop showing it only to non-secular persons, who would be priests. This secrecy is a new thing. Nothing has been heard of it in the whole history of penitentials so far. In England the *discipulus Umbrensium* had addressed his edition of Theodore's penitential to "all the Catholics of the English (*universis Anglorum catholicis*)." Nor in continental Europe had there been any indication of the careful reserve now shown. Few, indeed, but clerks would be able to study the penitentials. But this would apply not less but more to the Bulgarians. It is hardly possible to avoid the suspicion that the pope, while not refusing to give the Bulgarians a penitential, was arranging to commit himself just as little as might be.

No proof of the *use* of penitentials at Rome.

In the absence of other proof, it cannot be said that the reply of Nicholas I. to the Bulgarians establishes the *use* of penitentials at Rome. The ancient public canonical penance certainly held its ground: and there is no proof that the system of private penance and private reconciliation by a priest had in Rome made good its footing.

In the next chapter it will be seen from reference to the writings of S. Peter Damiani that even far on in the eleventh century the authority of the penitentials was in Rome angrily challenged.

[1] *Responsa ad consulta Bulgarorum.*

XIV. FROM A.D. 950 TO THE FOURTH LATERAN COUNCIL A.D. 1215

Text of Authorities

Burchard, bishop of Worms (bishop A.D. 1000–1025).
Alexander II. (pope A.D. 1061–1073).
S. Peter Damiani, cardinal (c. A.D. 1007–1072).
Honorius of Autun (c. A.D. 1125).
Hugh of S. Victor (c. A.D. 1078–1141).
Gratian (c. A.D. 1150).
Anonymus Benedictinus (c. A.D. 1189).
Petrus Lombardus (c. A.D. 1100–1160).
Petrus Cantor (died c. A.D. 1197).
Alanus de Insulis (Alain de Lille, c. A.D. 1110–1203).
Synodical Constitutions of Odo, bishop of Paris (c. A.D. 1197).
Council of London (A.D. 1200).
Fourth Council of the Lateran (A.D. 1215).

[*Penalties for breach of the seal of confession.*]

Burchard, bishop of Worms (A.D. 1000–1025).

Corrector.

CCXLIV. [Wasserschleben, *Bussordnungen der abendländischen Kirche*, 678.]

Caveat ante omnia sacerdos, ne de his, qui ei confituntur, peccata sua alicui recitet; quod ei confessus est, non propinquis, non extraneis, nec quod absit pro aliquo scandalo, nam si hoc fecerit, deponatur, et omnibus diebus vitæ suæ peregrinando peniteat. Si quis sacerdos palam fecerit, et secretum penitentiæ usurpaverit, ut populum intellexerit et declaratum fuerit, quod celare debuerat, ab omni honore suo in cunctum populum deponatur, et diebus vitæ suæ peregrinando finiat.

[*Licence to two priests to assign penance to persons confessing to them.*]

Alexander II. (A.D. 1065).

[Löwenfeld, *Epistolæ Pontificum Romanorum ineditæ*, Lipsiæ, 1885, 54.]

Rodulfo et Theobaldo presbyteris. Super quibus nos voluistis consulere, paucis devotioni vestre necessarium duximus scribere. Penitentiam confitentibus vobis causa religionis iniungere, quandoquidem vos igne divini amoris fervere non dubitamus, nisi episcopi, in quorum parrœchiis estis, prohibuerint, licentiam damus.

[*The discretion of the bishop (or priest?) in penance.*]

[Löwenfeld, *Epistolæ Pontificum Romanorum ineditæ*, Lipsiæ, 1885, 55.]

Stephano Alvernensi episcopo.

Que in canonibus determinata est penitentia est omnino observanda. Sed misericordie gratia, que nulla lege concluditur, nullo temporis spatio cohercetur, non est pie penitentibus deneganda. Pastoralis itaque discretionis est uniuscujusque contrictionem cordis et doloris affectum magis quam temporis spatium attendere, et pro meritis operum fructuque penitentiæ misericordiæ oleum adhibere.

[*Confession not to be made to a partner in guilt.*]

S. Petrus Damianus (*c.* A.D. 1007–1072).

C. 7. [Migne, *P. L.*, CXLV. 167.]

Liber Gomorrhianus.

Sed legis præceptum est, ut cum quis lepra perfunditur, sacerdotibus ostendatur; tunc autem non sacerdotibus sed leproso potius ostenditur, cum immundus immundo peractam communem nequitiam confitetur. Sed cum confessio utique manifestatio sit, quid, obsecro, manifestat, qui audienti cognitum narrat, aut quo pacto confessio illa dicenda est, ubi nihil a confitente manifestatur, nisi quod jampridem ab audiente cognoscitur? Et qui sociali vinculo peractæ iniquitatis astringitur, qua lege, quo jure alterum poterit ligare vel solvere. Frustra enim quis alium solvere nititur, qui et ipse vinculis irretitur.

[*Such confessions not invalid from lack of commission, but delusory from lack of fruit.*]

[Migne, *P. L.*, CXLV. 190.]

Scholia on the foregoing.

Neque enim ille significat confessionem ejus, qui sacerdoti complici confitetur, ob potestatis defectum, invalidam esse, si ille justum titulum atque jurisdictionem obtinet; sed vult dicere

hujusmodi confessionem fructu carere, ac quodammodo delusoriam esse.

[*The penitentials lack authority.*]

C. 11. [Migne, *P. L.*, CXLV. 170.]

Liber Gomorrhianus.

Igitur ut ad principium hujus captiosi capituli redeamus, dicitur: Quia, presbyter non prolato monachi voto, cum puella, vel meretrice peccans, annos duos pœniteat. Et quis tam hebes, quis tam insanus reperiri valeat, qui duorum annorum pœnitentiam, deprehenso in fornicatione presbytero, idoneam credat? . . . Sed quis tam vesane desipiat, quis tam profundæ tenebras cæcitatis incurrat, ut de lapsu cum ancilla Dei, hoc est, sanctimoniali, vel presbytero, quinque; vel diacono, sive monacho, duorum annorum imponendam pœnitentiam censeat? . . .

C. 12.

Verumtamen quis istos canones fabricavit? quis in purpureo ecclesiæ nemore tam spinosos, tam aculeatos paliuri tribulos seminare præsumpsit? Constat nimirum, quod omnes authentici canones, aut in venerandis synodalibus conciliis sunt inventi, aut a sanctis patribus sedis apostolicæ pontificibus promulgati: nec cuiquam soli homini licet canones edere, sed illi tantummodo hoc competit privilegium, qui in B. Petri cathedra cernitur præsidere. Hæc autem, de quibus loquimur, spuria canonum vitulamina, et a sacris conciliis noscuntur exclusa, et a decretis patrum omnino probantur extranea: sequitur ergo, ut nequaquam inter canones habeantur, quæ nec decretalibus patrum edictis, nec a sacris videntur prodire conciliis. Quidquid enim inter species non annumeratur, a genere procul dubio alienum esse decernitur. Quod si nomen auctoris inquiritur, certum non valet dici, quia nec poterat in variis codicibus uniformiter inveniri. Alibi enim scribitur, Theodorus dicit; alibi, Pœnitentialis Romanus dicit; alibi, Canones apostolorum; aliter hic, aliter titulantur illic: et dum unum habere non merentur auctorem, omnem perdunt sine dubio auctoritatem. Quæ enim sub tot incertis auctoribus nutant, nullum certa auctoritate confirmant. Et necesse est ut quæ dubietatis caliginem legentibus generant, a luce sacrarum Scripturarum, remota omni dubietate, recedant. Jam vero his scenicis deliramentis, de quibus carnales homines præsumebant, ex numero canonum eliminatis, ac perspicua argumentorum ratione convictis, illos canones apponamus de quorum fide et auctoritate nulla prorsus ambiguitate diffidimus. In Ancyrano quippe concilio reperitur.

S. Petrus Damianus.

[*A description of the confession of the Empress Agnes.*]

Opusculum, LVI. 5. [Migne, *P. L.*, CXLV. 814.]

De fluxa mundi gloria et sæculi despectione.

Sed ut hi qui ad apostolorum limina confluunt, sanctæ devotionis tuæ salubriter imitentur exemplum, sub arcana quoque B. Petri confessione ante sacrum altare me sedere fecisti, ac per lugubres gemitus et amara suspiria ab ipsa quinquennis infantiæ tenera adhuc, et nuper ablactata levitate cœpisti; et tanquam illic ipse B. Apostolus corporaliter præsideret, quidquid subtile vel minutum in humanitatis tuæ potuit titillare visceribus, quidquid in cogitationibus vanum, quidquid præterea subrepere potuit in sermone superfluum, fidelibus est relationibus evolutum. Ad quod mihi visum est, ut nil aliud confitenti pœnitentiæ pondus injungerem, nisi ut illud divinæ legationis elogium iterarem: Age quod agis; operare quod operaris. Vel illud quod his qui Thiatyræ erant per angelum mittitur: "Non mittam super vos aliud pondus; tantum id quod habetis, tenete." Nam, Deo teste, ne unum quidem diem jejunii, vel cujuslibet afflictionis indidi, sed ut in cœptis solummodo sanctis perseverares operibus imperavi.

[*The marquis Rainer defers the pilgrimage to Jerusalem imposed upon him by S. Peter Damiani after his confession by way of penance.*]

Ep. 17. [Migne, *P. L.*, CXLIV. 455.]

Ad Rainerium Marchionem.

Domno Rainerio clarissimo marchioni Petrus peccator monachus salutem.

Injunxi tibi, vir magnifice, ut pro peccatis quæ mihi confessus es, Hierosolymam peteres, divinamque justitiam longinquæ peregrinationis satisfactione placares; sed tu dum, juxta Scripturam, nescias quid crastina pariat dies, rem differs in posterum; et dum formidas incertos casus itineris, certum tibi municipium non provides mansionis: et sic in te completur sententia illa qua dicitur: *Qui observat ventum nunquam seminat; et qui considerat nubes nunquam metit.*

[*A form of general confession, followed by a precatory form of absolution. But this must not be taken to cover grave sins which are remembered. Such need particular confession.*]

Honorius Augustodunensis (of Autun) (*c.* A.D. 1125).

[Migne, *P. L.*, CLXXII. 824.]

Speculum Ecclesiæ—De Nativitate Domini.

Fratres, credo vos frequenter confessionem facere sacerdotibus vestris. Sic et facere debetis: sed quia multa sunt quæ forsitan vobis in memoriam non veniunt, debetis nunc post me confessionem

Honorius Augustodunensis.

vestram dicere, ut de his possitis absolutionem accipere. Modo dicite sic :

Abrenuntio diabolo et omnibus pompis ejus. . . . Peccavi in homicidiis perpetratis et consiliatis. Multum deliqui in fornicationibus, in adulteriis, in incestibus, in bestiali fornicatione, in omni pollutione et omni immundicia qua se homo coinquinare potest, coinquinavi corpus meum et miseram animam meam mecum et cum omnibus qui mihi consentire voluerunt. Peccavi in perjuriis, in furtis, rapinis, falsis testimoniis, detractationibus, conviciis, commessationibus, ebrietatibus, maleficiis, fraudibus, et omnibus peccatis quibus homo peccare potest. . . .

Karissimi, secundum hanc confessionem quam fecistis et secundum hanc sponsionem quam Deo sponpondistis (*sic*), volo ego verba dicere, Deum autem rogo opera facere.

Indulgentiam et absolutionem de omnibus peccatis vestris per intercessionem omnium sanctorum tuorum (*sic*) tribuat vobis Pater, et Filius, et Spiritus sanctus, et custodiat vos amodo et a peccatis et ab omnibus malis, et post hanc vitam perducat vos in consortium omnium sanctorum suorum. Amen.

Fratres ista confessio tantum valet de his peccatis quæ sacerdotibus confessi estis vel quæ ignorantes gessistis. Cætera qui gravia crimina commiserunt et pœnitentiam inde non egerunt, ut sunt homicidia et adulteria pro quibus instituta est carrina, nichil valet ista confessio. Ideo moneo vos ut peccata quæ publice fecistis, publice inde pœnitentiam suscipiatis; quæ autem occulte commisistis, occulte presbyteris vestris confessionem inde faciatis quam ad corpus Domini accedatis, quia qui indigne accipit, cum Juda mortis Domini reus erit.

[*Objections made by contemporaries to the requirement of confession.*]

Hugo de S. Victore (*c.* A.D. 1078–1141).

II. 14, 1. [Migne, *P. L.*, CLXXVI. 549.]

De Sacramentis Christianæ Fidei.

Multa est malitia hominis. Nemo quando male agere vult auctoritatem quærit, quando autem dicimus hominibus ut faciant bona, et ut confiteantur mala quæ fecerunt, dicunt nobis : Date auctoritatem. Quæ scriptura hoc præcipit ut confiteamur peccata nostra.

. . . . . .

Sed dicis fortassis : Quare non similiter Christus præceptum dedit hominibus peccata sua confitendi, sicut discipulis potestatem dedit confitentium peccata dimittendi.

. . . . . .

Hugo de S. Victore.

Sed dicis: Si salvari non potest homo nisi confiteatur peccata sua; quid est quod scriptum invenitur: Lacrymæ lavant delictum, quod ore pudor est confiteri.

[*Of those who practise confession without compunction of heart.*]

II. 14, 1. [Migne, *P. L.*, CLXXVI. 554.]

Hoc enim tibi demonstratur cum subditur: Prius flendum est, postea confitendum. Hoc siquidem ad veritatem confessionem spectat ut prius compungaris, postea confitearis. Nam sunt quidem sicut impudentes ad faciendum sic inverecundi ad dicendum; qui, quoniam turpitudinem suam in faciendo non vident, verecundiam in dicendo non habent, quibus utique per prophetam dicitur: *Frons mulieris meretricis facta est tibi, nescivisti erubescere.* Isti nonnunquam sine aliquo compunctionis motu, sine aliquo timoris vel amoris Dei attractu, pro sola consuetudine explenda ad dicenda peccata sua se ingerunt, existimantes se propter solam verborum prolationem a debito peccatorum suorum absolvi, quibus recte dicitur: Prius flendum est, post confitendum.

[*Are contrition and satisfaction in secret sufficient for forgiveness: or is the confession of the mouth necessary?*]

Gratianus (*c.* A.D. 1150).

Decretum.

Secunda Pars, Causa xxxiii. *Quest.* iii.

Dist. I. *Pars* 1. [*Ed.* Friedberg, Lipsiæ, 1879, 1159.]

Utrum sola cordis contritione, et secreta satisfactione, absque oris confessione quisque possit Deo satisfacere, redeamus. Sunt enim qui dicunt, quemlibet criminis veniam sine confessione ecclesiæ et sacerdotali judicio posse promereri. . . .

[*Each opinion well supported. Gratian leaves the decision to the reader.*]

Secunda Pars, Causa xxxiii. *Quest.* iii. *c.* 89.

[*Ed.* Friedberg, Lipsiæ, 1879, 1189.]

Gratianus. Quibus auctoritatibus, vel quibus rationum firmamentis utraque sentencia confessionis et satisfactionis nitatur, in medium breviter proposuimus. Cui autem harum potius adherendum sit, lectoris iudicio reservatur. Utraque enim fautores habet sapientes et religiosos viros.

[*Circumstances of sin to be confessed.*]

Anonymus Benedictinus (*c.* A.D. 1189).

Cap. 8. [Migne, *P. L.*, CCXIII. 872.]

Liber de pœnitentia et tentationibus religiosorum.

Confitere igitur, quod fecisti, sicut fecisti, et quando fecisti, et quantum fecisti, et ubi fecisti, et quis fecisti, et quæ et qualis

Anonymus Benedictinus.

sit persona, cum qua fecisti, vel si est impersonale, quod fecisti. Hæc omnia quoties et quam delectabiliter, et qua ætate fueris, confitere, si vis securus esse.

[*A sin is sufficiently confessed by one confession to one priest.*]

Cap. 9.

Quæris si sufficiat semel et uni tantum sacerdoti confiteri, si modo peccatum non iteratur, et injuncta pœnitentia compleatur? Si peccatum non iteratur et injuncta pœnitentia compleatur, ut ego sentio, sufficit semel et uni tamen sacerdoti confiteri.

[*Sins will be forgiven as often as they occur, if the penitence be real. Some dispute this.*]

Cap. 10.

Quoties ergo quis peccaverit et vere pœnituerit, is toties indulgentiam peccatorum habebit. Quousque, inquis? Lignum in quocunque loco sive ad austrum, sive ad aquilonem ceciderit, ibi erit. Exhinc pœnitentia fructuosa nulla erit.

[*Is oral confession necessary? Some say that it is if time suffice; others that contrition brings forgiveness, if there is the intention to confess.*]

Petrus Lombardus (*c.* A.D. 1100–1160).

[Migne, *P. L.*, CXCII. 880.]

Lib. IV. *Dist.* 17, § 1. *Sententiarum libri quatuor.*

Hic oritur quæstio multiplex. Primo enim quæritur utrum absque satisfactione et oris confessione, per solam cordis contritionem peccatum alicui dimittatur; secundo, an alicui sufficiat confiteri Deo sine sacerdote; tertio, an laico fideli facta valeat confessio. In his etiam docti diversa sentire inveniuntur, quia super his varia ac pene adversa tradidisse videntur doctores. Dicunt enim quidam, sine confessione oris et satisfactione operis neminem a peccato mundari, si tempus illa faciendi habuerit. Alii vero dicunt, ante oris confessionem et satisfactionem, in cordis contritione peccatum dimitti a Deo, si tamen votum confitendi habeat.

[*Peter Lombard holds that sin is forgiven on contrition without confession. But the penitent ought to confess if there is time.*]

Lib. IV. *Dist.* 17, § 2. [Migne, *P. L.*, CXCII. 881.]

Quid ergo super his sentiendum sit, quid tenendum? Sane dici potest quod sine confessione oris et solutione pœnæ exterioris peccata delentur per contritionem et humilitatem cordis. Ex quo enim aliquis proponit mente compuncta se confessurum, Deus dimittit, quia ibi est confessio cordis, etsi non oris, per quam

Petrus Lombardus.

anima interius mundatur a macula et contagio peccati commissi, et debitum æternæ mortis relaxatur. . . . Oportet ergo pœnitentem confiteri peccata, si tempus habeat: et tamen antequam sit confessio in ore, si votum sit in corde, præstatur ei remissio.

[*Confession to be made to God in the first place, and in the next place to the priest. Only so is paradise attainable, if opportunity is present.*]

Lib. IV. *Dist.* 17, § 4. [Migne, *P. L.*, CXCII. 882.]

Sed quod sacerdotibus confiteri oporteat, non solum illa auctoritate Jacobi, *c.* 5: *Confitemini alterutrum peccata vestra*, etc., sed etiam aliorum pluribus testimoniis comprobatur. . . . Ex his aliisque pluribus indubitanter ostenditur oportere Deo primum, et deinde sacerdoti offerri confessionem: nec aliter posse perveniri ad ingressum paradisi, si adsit facultas.

[*Confession in general terms covers venial sins, and such mortal sins as the memory does not retain.*]

Lib. IV. *Dist.* 22, § 5. [Migne, *P. L.*, CXCII. 897.]

Post hæc considerandum est quid prosit confessio illa, ubi singula peccata quæ quisque fecit, non exprimuntur. Sane dici potest quod omnia criminalia semel saltem oportet in confessione exprimi, nisi aliqua a mente exciderint. Sed quia nemo delicta intelligit omnia, generaliter saltem ea confitere, quorum memoriam non habes, et sic nihil celasti de sceleribus tuis. Venialia vero, ut ait August, in resp. 5 contra Pelag., quia innumerabilia sunt, sufficit generaliter confiteri, nisi aliqua sint frequenter iterata; perfectius est tamen etiam illa exprimere si vales. Ideoque quotidie generaliter fit confessio in ecclesia, pro venialibus, scilicet peccatis, quæ quotidie admittimus, et pro illis mortiferis quorum notitiam non habemus. . . . Unde psalm. 50: *Ecce enim veritatem dilexisti*, hic insinuatur quod generalis confessio etiam mortalia delet, quorum intelligentia non habetur.

[*Confession being itself satisfaction, repeated confession to many priests has the hope of speedier absolution.*]

Petrus Cantor (*d. c.* A.D. 1197).

C. 143. [Migne, *P. L.*, CCV. 342.]

Verbum abbreviatum.

. . . tum etiam, quia ipsa oris confessio, maxima est pars satisfactionis (Unde sicut auctoritas habet: Quanto pluribus sacerdotibus confiteberis sub spe veniæ, tanto celeriorem consequeris absolutionem culpæ), tum etiam propter peccati et lepræ cognitionem.

[*The priest in penance should proceed as a physician.*]

Alanus de Insulis (Alain de Lille, *c.* A.D. 1110–1203).

[Migne, *P. L.*, CCX. 286.]

Liber pœnitentialis.

Sacerdos etenim debet vicem gerere spiritualis medici, subditus debet vicem gerere spiritualis ægroti; sicut enim materialis physicus accedens ad ægrotum, primo verbis mulcet ægrum, compatiens ægroto, se conformat infirmo, verbis blanditur, salutem pollicetur, ut æger confitenter morbi detegat quantitatem, doloris acredinem; percepta vero morbi quantitate, doloris acredine, consequenter inquirit tempus quando morbus inceperit, locum ubi morbus eum arripuerit; ætatem cujus ætatis sit. Disquirit quoque causam morbi, et originem, morbi diuturnitatem, minuendi consuetudinem, personæ statum, pulsus impetum, corporis gestum, faciei habitum. Bene cognitis morbi circumstantiis, accidentibus infirmitatis, medicus secundum quantitatem morbi, diætam magis aut minus attenuat, quosdam cibos vetat, alios imperat; ægro vero pejora promittit, nisi injuncta custodiat; consequenter, contraria contrariis curat. Sic sacerdos quasi spiritualis medicus, dum ad eum accedit peccator spiritualis ægrotus, primo debet peccatorem verbis allicere, blandimentis mulcere, ut facilius detegat morbum, detegat peccatum ut melius post peccati detectionem, cum prius præposuerit blandimenti verba, concludat satisfactionis verba: monens ne erubescentia ductus, suos diffiteatur reatus; ne coram homine fateri crimina vereatur, quia non homini sed Deo confitens loquitur. Nec apud judicem poli confessus pro condemnato tenebitur, sed pro absoluto habebitur: hoc ostendens auctoritate multiplici, quod reatus deletur confessione peccati.

[*How to examine the conscience as to the whole past life. If no serious sin a general confession to be made to* God. *And though in such a confession forgotten sins find remission, still the person does well to have recourse to the priest that he may not seem to set aside an ecclesiastical institution.*]

[Migne, *P. L.*, CCX. 299.]

Sicut materialis ægrotus causas doloris sui, et locum pro posse suo disquirere debet, ut accedenti medico, de statu suo sciat respondere; sic peccator tanquam spiritualis ægrotus, antequam accedat ad medicum suum, id est sacerdotem proprium, scrutari debet angulos conscientiæ suæ, quæ peccata in angulis eisdem lateant, inquirens quomodo se habuerit in singulis ætatibus suis, in pueritia, ad adolescentiam, et aliis ætatibus suis; in uno loco et in alio; in hac societate et in alia: quid a convictu illorum vel aliorum contraxerit, et sic, in quo secundum diversos status, Deum offenderit, disquirere debet.

Si autem in nullo conscius sibi fuerit, ut eum Apostolo dicere

Alanus de Insulis.

possit: *Nihil mihi conscius sum*, oret Deum, dicens: Domine Deus, nihil mihi conscius sum, sed tamen *delicta quis intelligit? ab occultis meis munda me, Domine.*

Et quamvis in generali confessione occulta peccata remittantur, tamen consilium est, ut ad sacerdotem accedat, ne regulam ecclesiasticæ institutionis prætermittere videatur, dicens sacerdoti se nullius peccati conscium sibi esse, sed quia *in multis offendimus omnes et justus septies cadit in die*, se miserum et peccatorem dicat, poscens a sacerdote alicujus satisfactionis injunctionem, qua purgentur peccata, etsi non aperta, tamen occulta si quæ sint.

[*Sin should be confessed to a priest. Analogy of the showing of the leper to the priest.*]

[Migne, *P. L.*, CCX. 300.]

Oportet quoque confiteri peccatum, quia non sufficit cordis attritio, nisi sequatur confessio, si tempus habeat confitendi. Ad ostendendum enim quod de plenitudine pœnitentiæ est confessio, insinuat Dominus qui præcepit leproso sanato ostendere se sacerdoti, per quod significatur quod spiritualis leprosus, id est peccator, debeat peccata sacerdoti per confessionem declarare.

[*Directions for hearing confessions.*]

Odo, bishop of Paris (*c.* A.D. 1197).

[Mansi, XXII. 678.]

Synodicæ constitutiones.

Cap. vi. Capitula de confessione.

1. Sacerdotes circa confessionem maximam curam adhibeant et cautelam, scilicet ut diligenter peccata inquirant; usitata, sigillatim, inusitata, non nisi a longe per aliquam circumstantiam, sic tamen ut ex peccatis detur materia confitendi.
2. Ad audiendum confessiones communiorem locum in ecclesia sibi eligant sacerdotes, ut communiter ab omnibus videri possint: et in locis abditis, aut extra ecclesiam, nullus recipiat confessiones, nisi in magna necessitate vel infirmitate.
3. In confessione habeat sacerdos vultum humilem, et oculos ad terram, nec aspiciat vultum confitentis, maxime mulieris, causa debitæ honestatis, et patienter audiat quæ dixerit in spiritu lenitatis, et ei pro posse suo pluribus modis persuadeat ut confiteatur integre; aliter enim dicat ei nihil valere.
4. Incestum faciens, deflorans, aut homicida Pontificem quæras: papam si miseris ignem, Sacrilegus, patris percussor, vel Sodomita Si percussisti clericum: Simonve fuisti.

Odo.

5. Sacerdotes majora reservent majoribus in confessionibus, sicut homicidia, sacrilegia, peccata contra naturam, incestum et stupra virginum, injectiones manuum in parentes, vota fracta et hujusmodi.
6. Sunt tria in quibus nullus habet potestatem absolvendi, nisi dominus papa vel ejus vicarius, nisi in necessitate; scilicet in injectione manuum in clericos vel quosvis religiosos, in incendio, per quam sententiam sunt vocati simoniaci: nihilo minus tamen talium rei remittendi ad episcopum.
7. In dubiis semper confessor consulat episcopum aut sapientes viros, nisi ex necessitate; quorum consilio certificatus, solvat securius aut liget, maxime prælatos suos.
8. Audita confessione, semper confessor interroget confitentem, si velit abstinere ab omni mortali; aliter vero non absolvat eum, nec injungat ei pœnitentiam, ne inde confidat: sed moneat ut iterum faciat quidquid boni poterit, ut Deus cor illius illustret ad pœnitentiam.
9. In injungendis parvis pœnitentiis sibi caveant sacerdotes: secundum enim qualitatem culpæ et possibilitatem confitentis debet esse qualitas pœnitentiæ.

[*Directions for hearing confessions.*]

Concilium Londoniense (A.D. 1200).

Cap. 4. [Mansi, XXII. 715.]

De Pœnitentia.

Cum pœnitentiæ, quæ est secunda tabula post naufragium, tanto major adhibenda sit circumspectio, quanto magis est necessaria post lapsum reparatio: nos sacrorum canonum statuta sequentes, præcipimus ut sacerdotes in pœnitentia diligenter attendant circumstantias, quantitatem scilicet personæ, et quantitatem delicti; tempus, locum, causam, moram in peccato factam, devotionem animi pœnitentis; et ut pœnitentia talis injungatur uxori, unde reddatur marito suo suspecta de aliquo occulto et enormi peccato: idem de marito conservetur. Nullus etiam sacerdos post lapsum, antequam confiteatur, ad altare præsumat accedere celebraturus. Id adjicimus ad sacerdotum cupiditatem resecandam, ut Missæ non injungantur in pœnitentia his qui non fuerint sacerdotes. Salvo in omnibus sacrosanctæ Romanæ ecclesiæ honore et privilegio.

[*Imposition of an universal obligation to make private confession once a year.*]

Concilium Lateranense IV. (A.D. 1216).

Cap. xxi. [Mansi, XXII. 1008.]

Omnis utriusque sexus fidelis postquam ad annos discretionis pervenerit, omnia sua solus peccata saltem semel in anno fideliter

Concilium Lateranense IV.

confiteatur proprio sacerdoti; et injunctam sibi pœnitentiam pro viribus studeat adimplere, suscipiens reverenter ad minus in Pascha Eucharistiæ sacramentum; nisi forte de proprii sacerdotis consilio ob aliquam rationabilem causam, ad tempus ab ejus perceptione duxerit abstinendum; alioquin et vivens ab ingressu ecclesiæ arceatur, et moriens Christiana careat sepultura. Unde hoc salutare statutum frequenter in ecclesiis publicetur, ne quisquam ignorantiæ cæcitate velamen excusationis assumat. Si quis autem alieno sacerdoti voluerit justa de causa sua confiteri peccata licentiam prius postulet et obtineat a proprio sacerdote, cum aliter ipse illum non possit solvere vel ligare. Sacerdos autem sit discretus et cautus ut more periti medici superinfundat vinum et oleum vulneribus sauciati, diligenter inquirens et peccatoris circumstantias et peccati, per quas prudenter intelligat quale debeat ei præbere consilium et cujusmodi remedium adhibere diversis experimentis utendo ad sanandum ægrotum. Caveat autem omnino ne verbo vel signo vel alio quovis modo aliquatenus prodat peccatorem, sed si prudentiori consilio indiguerit illud absque ulla expressione personæ caute requirat; quoniam qui peccatum in pœnitentiali judicio sibi detectum præsumpserit revelare non solum a sacerdotali officio deponendum decernimus, verumetiam ad agendam perpetuam pœnitentiam in arctum monasterium detrudendum.

[*Confessions of women to be heard in the open church. Three confessions and communions a year. Penalties for neglecting the Easter confession and communion.*]

Constitutiones Ricardi Poore, *Sarum Episcopi* (*c.* A.D. 1217). C. 25. [Mansi, XXII. 1115.]

Confessiones mulierum audiantur extra velum, et in propatulo quantum ad visum, non quantum ad auditum. Moneantur etiam laici, qui statim in primo quadragesimæ confiteantur, et cito post lapsum, ne peccatum pondere suo trahat ad aliud. Item nullus sacerdos in nomine pœnitentiæ totalis vel partialis Missas præsumat injungere: consulere tamen potest, quoticns monendi sunt parochiani ad confessionem.

Confessiones tres in anno audiantur. Ter communicare moneantur; in Pascha, in Pentecoste, et in natali Domini. Prius tamen præparent se per aliquam abstinentiam de consilio sacerdotum faciendam.

Quicumque autem semel in anno, ad minus, proprio non confessus fuerit sacerdoti, et ad minus ad pascha Eucharistiæ sacramentum non acceperit, nisi consilio sui sacerdotis duxerit abstinendum: et vivens, ab ingressu ecclesiæ arceatur; et mortuus, Christiana careat sepultura. Et hoc frequenter eis dicatur.

FROM A.D. 950 TO THE FOURTH LATERAN COUNCIL, A.D. 1215

THE three hundred years from A.D. 950 may now come under consideration. Towards the close of this period the Fourth Council of the Lateran (A.D. 1215) stereotypes the practice of Penance for the Western Church in the form which is familiar as the present Latin usage. Private penalty and private reconciliation by a priest have at the time of the Lateran Council become the usage of the whole Western Church, north and south of the Alps alike: farther, this system of Penance is not only expected from the exceptional offender, as had been the Penance of the early Church, but it has come to be encouraged in all Christian people: farther, it is now not only encouraged, but by the council it is enjoined as a duty upon all Christian people: and, farther again, this duty is made of recurring obligation once in every year. The results which are thus finally attained are in startling contrast with the methods of the early Christian ages: but they represent the mind of the whole Western Church in its later experience of the high commission to bind and loose the souls of Christian men. Preliminary survey.

The three hundred years before the Lateran Council are a period bridging over the experience of development from the partial acceptance and use of the private system of Penance in the tenth century to the universal, compulsory, and recurring employment of that system in the thirteenth. A few citations will illustrate sufficiently the course of this development.

The name of Burchard, bishop of Worms from A.D. 1000 to A.D. 1025, is familiar to students of the canon law as that of the compiler of twenty books of *Decreta*. The nineteenth of these books deals with the administration of Penance, and is in fact a very full penitential, which runs to two hundred and sixty-four sections. The book was often reproduced separately, and is commonly cited as the *Corrector Burchardi*, from the note which is prefixed to it. Burchard. The *Corrector*.

> "This book is called *corrector* and *medicus* because it contains a full statement of corrections for bodies and medicines for souls, and teaches whatsoever priest, though he be unlearned, how he may render succour to every one, ordained or not ordained, poor or rich, lad, young man, or old man, decrepit, sane, infirm, of every age, of either sex.

The *Corrector* lays many canons and penitentials under contribution, but the references given are often inaccurate. The great detail of the book as regards the sins brought under notice, especially the secret sins of both sexes, shows that the practice of confession, of private penance, and of private reconciliation by a priest, was now in very general use in Germany.

On the subject of the seal of confession, a subject which has not hitherto received much attention, the *Corrector* has an important section (*c.* 244).

> "Above all let the priest give heed not to repeat to any the sins of those who make confession to him."

A priest who thus offends is to be deposed and to spend the rest of his days in pilgrimage.

Alexander II.

The citations shown above from Pope Alexander II. (Anselm of Lucca) and from Cardinal (S.) Peter Damiani afford some insight into the Italian attitude as regards Penance in the eleventh century.

A letter of Alexander II. (*c.* A.D. 1065) to the presbyters Rudolf and Theobald has been published in Löwenfeld's collection. These two priests had consulted the pope as to the administration of Penance. The pope replies as follows:—

> "We accord you licence to enjoin penance on those who make confession to you for religion's sake, since we make no doubt but that you are burning with the fire of the Divine love: unless the bishops in whose dioceses ye are shall forbid it."[1]

Thus, at about the period of the Norman conquest of England, when in England, in France, and in the German lands, the practice of private penance with reconciliation by a priest was everywhere common; in Italy the pope is found according to two particular priests of high reputation an authority to administer Penance to those confessing to them. The inference seems to be clear that without such authority priests in Italy were not expected to thus administer Penance. Also it appears that even the pope would not venture to interpose, if the bishop of the see withheld his assent.

The other letter cited deals with the important subject of the discretion of the bishop (or priest?) in the administration of Penance. This was the period of the angry protests made by Peter Damiani against the penitentials, protests to which reference will shortly be made. Alexander in a letter to a bishop named Stephen[2] lays down the general principle that the measure of penance determined in the canons is to be observed: but

[1] *Epistolæ Pontificum Romanorum ineditæ*, 54.
[2] *Alvernensi episcopo.* What see is this?

proceeds to indicate that the ultimate control is in the discretion of the ministrant.

> "But the grace of mercy, which is constrained by no law, and coerced by no duration of time, is not to be denied to those who do penance devoutly. Accordingly it appertains to the discretion of the pastor to rather regard the contrition of heart and the emotion of grief than the duration of time, and to accord the oil of compassion as becomes the merits of good works and the fruit of penance." [1]

The principle thus reached is of outstanding importance. The whole output, not only of penitentials, but of compilations of canons, and the like, can in fact be brushed aside. It is understood that consideration is due to the conciliar pronouncements of the Church. But the discretion of the bishop (or priest) is in this letter recognised by the primate of the West, as it had long before been recognised in the East, as the ultimate determinant of the measure of penalty.

S. Peter Damiani.

Saint Peter Damiani, hermit, monk, and cardinal bishop of Ostia, is the writer who next calls for attention. Styled Damianus, or of Damianus, perhaps after a brother, he is by English writers most often referred to as Peter Damiani. He was born at Ravenna about A.D. 1007, and in early manhood was a teacher, but about A.D. 1035 entered the hermitage of Fonte Avellana, near Gubbio. He became in A.D. 1049 the head of the society, and was soon renowned as an earnest and successful monastic reformer. But his fame throughout Western Christendom arose from the fact that he was the great protagonist in the crusade against the marriage or concubinage of the clergy. He appears to have been a devoted, austere, and excellent man: but his writings somewhat repel the modern reader by their vigorous invective, by their wealth of denunciatory epithets, and by their fulness of detail in the description of certain repellent forms of offence. In his own day he was esteemed by a large section of good men as a saint, and as the one saint who was not afraid to do battle with the hydra-headed monster of impurity in holy places. It is easy to understand that to such a man many would wish to resort in the difficulties of their own souls.

In A.D. 1057 he reluctantly accepted the position of cardinal bishop of Ostia, and in that position was for some ten years a valued counsellor and agent of successive popes. In A.D. 1067 he was allowed to resign his bishopric, and in A.D. 1072 he died.

From the considerable writings of S. Peter Damiani four passages are cited above, of which three illustrate the Italian practice of his day as regards confessions made otherwise than in connexion with the public system of Penance; and the fourth gives expression to a contemptuous estimate of the penitential books.

[1] *Epistolæ Pontificum Romanorum ineditæ*, 55.

Confession to a partner in guilt.

(1) In the *Liber Gomorrhianus* Peter Damiani protests against the making of confessions to a partner in guilt. Such confessions are the showing by a leper to a leper rather than to a priest: or rather they show nothing to one who knows already. By what law can such a priest bind or loose, who indeed is himself bound?[1] The *Scholia* usually printed at the end of the book safeguard these statements by explaining that such confessions are not invalid by lack of commission, but that they are delusory from lack of fruit.

The practice of such confessions to which Peter Damiani is thus witness is noticed here for the light it throws on the progress in Italy of private confession unconnected with public penance. (*a*) It seems to be understood that the guilty persons, who were indeed monks or ecclesiastics, would be likely to make their confessions, as for such capital sins would from ancient times have been required. (*b*) It seems farther to be understood that they would make them to priests: the alternative of bishops may, in the absence of specific indication, be here dismissed. At Rome, if not elsewhere, the priests would from early times have heard the confessions and assigned the penances. (*c*) It seems also to be understood that in the confidence of the accomplice the matter would end as well as begin: there is no hint of public penance or episcopal reconciliation. This would seem to point to a wider use of private penance with reconciliation by a priest than would appear from the commission of Alexander II. to Rodulf and Theobald.

Confession of the empress Agnes.

(2) The description given by S. Peter Damiani of the confession made to himself by the empress Agnes is full of interest. The modern student may find some advantage in the fact that S. Peter has an easy understanding of the seal of confession which would hardly find welcome now. The empress Agnes was the wife of the emperor Henry III., and was a woman of deep religious conviction and devout life. On the occasion of a visit to Rome she asked Peter Damiani to hear her confession. His narrative is as follows:—

> "But in order that they who flock to the thresholds of the apostles may beneficially imitate the example of thy holy devotion, thou didst also cause me to sit in the hidden *confessio* of Blessed Peter before the holy altar, and with doleful groans and bitter sighs thou didst begin (to confess) from that first lightness of five-year-old infancy, as yet tender, and but lately weaned: and, as if the blessed apostle himself presided there in person, there was then unrolled in faithful narrations anysoever subtle or trifling stirrings in the inner parts of thy humanity, any vanity in thoughts, and, in addition, any superfluity which could creep into speech. For all which it seemed to me that I could enjoin no

[1] C. 7.

other burden of penance on her who confessed save to repeat the commendation of the divine commission: *Do what thou art doing: perform what thou art performing.* Or that which is conveyed by the angel to those who were at Thyatira: *I will put upon you no other burden: only hold fast that which ye have.* For GOD is my witness that I imposed upon thee not even one day of fasting, or of any affliction soever, but I bade thee simply to persevere in the holy works which thou hadst begun." [1]

The picture is a striking one. Here is the great empress from beyond the Alps visiting the tombs of the Apostles in a great devotion. In the French and German lands general confessions covering a lifetime are not seldom made for the better attainment of the perfect life. She will make such a confession here at the very threshold of the Apostles: and to whom can she better go than to Peter Damiani, the saintly upholder of the holy life?

Visitors to Rome will recall how before the high altar in any of the great basilicas there yawns a vault or sunken shrine where are conserved the remains or relics of the saints: and that in S. Peter's at the Vatican this *confessio*, as it is technically termed, is understood to enshrine the remains of the apostle S. Peter himself. The empress Agnes visited Rome four hundred years before the erection of Bramante's splendid pile: but in the old basilica the *confessio* was found as now. There within its hidden recess the empress seated her confessor, who is frankly unfamiliar with the whole procedure. She then poured forth with groans and sighs the story of her life from the first imperfections of early childhood, endeavouring to specify in detail every fault of act, or thought, or word. It was the life story of a good woman. The confessor she had chosen was a man who in face of the deadly sins prevalent in his age was known to make fierce demand for the full tale of the ancient canonical penances, and to dismiss with bitter scorn what seemed to him the paltry accommodations of the penitential books. But when he has heard the confession of the empress he can find nothing for which to impose a penance at all. He bids her simply to persevere. There is no mention of absolution.

Confession of the marquis Rainer.

(3) A very different confession seems to have been that of the marquis Rainer. This nobleman had made his confession to Peter Damiani, probably on the occasion of a visit to Rome, as in the case of the empress: but upon him the saint had imposed by way of penance the burdensome obligation of a pilgrimage to Jerusalem. The marquis showed no eagerness to set out: and the letter cited remonstrates with him for his tardiness.

"I enjoined upon your Excellency that for the sins which you confessed to me you should set out for Jerusalem and

[1] *Opusculum* LVI. 5.

appease the Divine justice by the satisfaction of a long pilgrimage: but you, while in the words of Scripture, you are ignorant what to-morrow may bring forth, yet defer the matter to some later time. . . ."[1]

In this instance it is not easy to determine whether the penance should be regarded as of the more ancient or of the more modern type. The offender makes his confession, which contains matter of capital offence: and the penance imposed upon him is of a character necessarily under public observation. But no mention is made of public penitential observance in the church, or of solemn reconciliation by the bishop.

Attack upon penitentials.

(4) The last passage cited from Peter Damiani is a remarkable attack upon the penitentials, which shows how far those handbooks were from attaining unquestioned acceptance in Rome. The occasion of the attack is found in the inadequate penances assigned in the penitentials for certain sins of the gravest character; as, for instance, two years of penance for the fornication of a priest.

> "But who framed those canons? who in the purple grove of the Church dared to sow such prickly pointed thorns and thistles? It is entirely clear that all genuine canons were either framed in the venerable synodical councils, or were promulged by the holy fathers who were pontiffs of the apostolic see. Nor is it open to whomsoever by himself to publish canons, but this privilege is only within the competence of him who is seen to sit in the chair of Blessed Peter. But these spurious sprigs of canons, of which we speak, are at once known to be shut out by the sacred canons, and proved to be altogether foreign to the decrees of the fathers. It follows therefore that in no wise may these provisions be accounted as among the canons, which are seen neither to proceed from the decretal pronouncements of the fathers nor from the sacred councils. For whatsoever is not numbered in the *species* is beyond all doubt determined to be foreign to the *genus*. And if the name of the author be asked, it cannot certainly be given, because it cannot be found stated with any uniformity in the various manuscripts. For in one it is written, *Theodore says:* in another, *the Roman Penitential says:* in another, *the Canons of the Apostles*. They are styled in one way here, and in another way there: and though not attaining the merit of one author, they doubtless lose all authority. For pronouncements which totter under so many uncertain authors, establish no one of them with a certain authority. And it must be insisted on that these decisions which generate the darkness of doubt in those who read them give way before the light of the sacred writings, all doubt being then removed. For, indeed, when these play-acting insanities, which carnal men assumed to sanction,

[1] *Epist.* 17.

are eliminated from the number of the canons, and stand convicted by the clear reason of arguments, we can bring forward those canons to whose genuineness and authority we give our trust without any sort of doubt." [1]

The passage has been given at length because of the considerable light it throws on the subject of the authority of the penitential books in Rome in the eleventh century. It will be borne in mind that by A.D. 900 the controversy about penitentials had in the empire north of the Alps come to an end. In the opening years of the tenth century Regino of Prüm had published in his compilation or code a scheme of articles of episcopal visitation by which every parish priest was required to say whether he possessed the Roman penitential published either by Theodore the bishop or by the Venerable Bede, so that according to what was written in it he might both interrogate the penitent and assign the measure of his penance. Regino's work was put forth in the Rhenish provinces, but has no note of local restriction. The indications point to the general acceptance of penitentials in the empire north of the Alps.

By A.D. 1050 some use of penitentials in Rome.

In Rome the attitude is altogether different. In the middle of the eleventh century penitential books are known and have been used within the experience of Peter Damiani, probably in Rome itself: but the authority claimed for them elicits from the saint his present impassioned outburst. He is conscious of no conflict with real authority. His book is addressed to pope Leo IX.: and for his book generally he receives from Leo IX. high commendation.[2]

The indications given as to the particular penitentials used within Damiani's knowledge are interesting. Such penitentials cite as authorities Theodore, the Roman Penitential, the Canons of the Apostles. Damiani repudiates the authority of them all. None of these books, not even the so-called Roman Penitential, can claim the support of the canons, or the sanction of the popes. Damiani demands that they be rejected.

It was a few years later than this that Alexander II. wrote the letter already cited, in which he lays down the general principle that the measure of penance determined in the canons is to be observed: but indicates the discretion of the bishop (or priest) as the ultimate authority. That solution of the difficulty of the penitentials is, in fact, the papal solution: and it will hold the ground. It may be affirmed that at no time in Rome itself were the northern penitentials ever received without question. The one instance known in which a pope accorded to a penitential some measure of recognition is found in the sending of a *judicium pœnitentiæ* to the Bulgarians by Nicholas I. in A.D. 866. It

[1] *Liber Gomorrhianus*, c. 12.

[2] It is noteworthy that Leo IX. was an Alsacian, the excellent Bruno of Toul.

appears, however, from Peter Damiani's opposition that in the middle of the eleventh century the Italian use of penitentials was considerable enough to call for his very vigorous protest.

Honorius of Autun.

Honorius, commonly styled of Autun (*Augustodunus*), is, in fact, the great unknown of the Church history of the twelfth century.[1] Whether of Autun, of Augsburg, or of Augt; whether hermit, or monk, or priest; who were his companions, what was his training, and what his history; nothing of all this is known with any certainty. But Honorius is a voluminous and valued writer: and his date at least can be fixed at about A.D. 1135.

The book styled *Speculum ecclesiæ* is a collection of homilies for the use of ecclesiastics. One of these homilies thus deals with the subject of confession and absolution:—

Confessions now frequent.

> "Brethren, I believe that you often (*frequenter*) make confession to your priests. And so you ought to do: but inasmuch as there are many things which haply do not come into your memory, you must now say your confession after me that you may receive absolution for these sins. Now say thus:—"

A form of common confession.

Here follows a detailed statement of possible sins, in which all are called upon to accuse themselves of homicide, of adultery, of incest, of theft, and of other sins. The intention appears to be that they may thus make formal acknowledgment of every kind of offence with a view to the reception of absolution. At the end of the enumeration the penitent makes humble confession of these his sins before God and the saints, prays for mercy, and promises amendment. The homily proceeds:—

> "Dearly beloved, according to this confession which you have made, and according to this promise which you have promised to God, I will say words, but ask God to perform acts. May the Father and the Son and the Holy Ghost give you pardon and absolution of all your sins by the intercession of all your saints, and may He keep you from this time forth both from sins and from all evils, and after this life bring you into the company of all His saints. Amen.
>
> "Brethren, this confession only avails for those sins which you have confessed to the priests, or which you are not conscious of having committed. Otherwise in the case of those who have committed grave sins, and have not done penance for them; sins such as homicide and adultery for which a forty days' period of observance (*carrina*) has been assigned; the present confession is of no avail. Accordingly, I warn you that the sins which you have publicly committed, for these you must undertake penance publicly: but those which you have committed in secret, of such make confession secretly to your priests before you approach the Body of

[1] Rocholl in Hauck's *Real-encyklopädie*, Art. "Honorius von Autun."

the Lord, because he who receives unworthily, will with Judas be guilty of the death of the Lord." [1]

In this instruction there are several features of interest as illustrating the practice of the early twelfth century somewhere in French or German lands. First, it will be noticed that the homilist is to assume that those whom he addresses, and apparently all of them, frequently make confession to their priests. Such confession is thus now the established use, and it is employed with frequency (*frequenter*).

The interesting form of public confession in which is made an enumeration of all the principal sins likely to occur is one of many such forms which were employed at about this period. For these forms it might be argued that they would supply formal completeness to many confessions which would otherwise have been seriously imperfect: against them was the utter unreality of requiring the ordinary good Christian to make a practice of declaring himself guilty of homicide, adultery, and incest. The practice appears to have had considerable vogue for a time, and then to have died out.

The homilist is, however, to warn the people that this public form of confession, full and particular though it be, is not to do duty for more formal penance in the case of the graver sins. Its purpose is rather to supply the unintentional defects of past confessions. If the sins are such as homicide or adultery, it appears that for these in the twelfth century a *carrina* is assigned, and it is not to be dispensed with merely on account of the person's participation in a public form of confession. *A carrina* was a fast or public penance of forty days' duration.

A *carrina* required for grave sins.

In Paris, before the rise of the university, the abbey of S. Victor was a conspicuous centre of light and leading. Hugh, known as Hugh of S. Victor, was successively canon, *scholasticus*, and perhaps prior, of that house, where he died in A.D. 1141. Hugh is perhaps best known as a mystical writer: but he is not less a theologian. Among the most famous of his works was the *De sacramentis christianæ fidei*, and the fourteenth part of this treatise bears the heading *Of confession, and penance, and the remission of sins*. In this chapter Hugh of S. Victor notices that some of his contemporaries disputed the requirement of confession.

Hugh of S. Victor.

> "No one when he wants to do amiss asks for authority, but when we bid men do good works, and confess the evil deeds which they have committed, they say to us:—Give your authority. What scripture enjoins this, that we should confess our sins?"

Farther on he speaks of those who practised confession from sheer habit without compunction of heart.

Habitual confession.

[1] *Speculum ecclesiæ. De nativitate Domini.*

> "These sometimes without any feeling of compunction, without any drawing of the fear or of the love of God, betake themselves to the statement of their sins solely for the fulfilment of custom, supposing that they merely for the pronouncement of words are absolved from the debt of their sins, to whom it is rightly said :—'First let there be mourning, then confession.'"

Thus it may be inferred that in Paris in the early twelfth century while the necessity of confession was freely questioned, the recurring practice of it was sufficiently in vogue to incur the danger of unreality from habit.

As the twelfth century progressed the question whether confession was to be rigorously required of the Christian who had sinned came to be asked with increasing urgency. The next writer to be quoted is the celebrated Gratian, the compiler of the vast code of the canon law, which he styled *Concordantia discordantium canonum*. Gratian was born about the end of the eleventh century, probably at Chiusi in Tuscany. In early life he appears to have been received into the Camaldunensian monastery of Classe near Ravenna : but it was in the monastery of S. Felice at Bologna that his great work was carried through. The date of it may be pronounced not earlier than A.D. 1139 or later than A.D. 1150. Gratian thus belongs to the middle of the twelfth century, and while his range of research covers all recorded ecclesiastical decisions as known in his time, his actual experience of life was entirely Italian.

Gratian.

Is confession necessary?

In the section now headed *De Pœnitencia* (*Decreti secunda pars Causa*, xxxiii. *qu.* iii.) Gratian writes :—

> "Let us return to the question whether by contrition of heart alone, and by secret satisfaction, without the confession of the mouth, any one may satisfy God. For there are those who say that pardon can be deserved for any offence without the confession of the Church and the sacerdotal sentence."

Gratian proceeds to cite a long catena of passages more or less apposite from various sources. After the eighty-ninth passage, a quotation from Leo the Great, Gratian makes a pronouncement of his own :—

> "On what authorities, or on what grounds of argument, either of the opinions as to confession and satisfaction is based, we have now briefly brought under notice. But to which of these opinions adherence should rather be given is left to the judgment of the reader. For either opinion has for its supporters wise and religious men."

Thus one of the most learned and best-balanced judgments in Italy in the middle of the twelfth century felt constrained to pronounce the question of the necessity of confession for any sin soever an open question. Not only were the authorities and

the arguments inconclusive, but the best men whether for wisdom or devotion were found ranged on both sides alike. When it is considered that this carefully guarded opinion only ante-dated the Lateran Council by three-quarters of a century it becomes all the more remarkable.

Peter Lombard.

Peter Lombard, the renowned *Master of the Sentences*, was born about A.D. 1100 at Novara in Lombardy. After some training at Bologna he made his way to France, and in time obtained a theological chair in the cathedral school. His famous text-book, the *Sententiæ*, was produced between A.D. 1145 and A.D. 1150. In A.D. 1159 he became bishop of Paris. In A.D. 1160 he died. It has been said of Peter Lombard that he endeavoured to do for theology what Gratian had done for the canon law. His text-book found such acceptance that for a long time to come theological teaching commonly took the form of commentaries upon it.

In the fourth book of the *Sententiæ* Peter Lombard writes thus :—

> "Here arises a manifold interrogation. For first it is asked whether without satisfaction and the confession of the mouth sin may be forgiven to any one through the contrition of the heart alone: secondly, whether it is sufficient for any one to confess to God without the priest: and, thirdly, whether confession to a faithful layman is of avail. In these questions even learned men are found to have different sentiments, because on them the doctors are seen to have delivered various and almost contradictory judgments. For some say that without confession of the mouth and satisfaction of act no one is cleansed from sin, if he have time to effect these things. But others say that before the confession of the mouth and satisfaction, sin is forgiven by God on the contrition of the heart; if, however, the person have the desire to confess." [1]

The judgment of Peter Lombard himself is thus expressed :—

Confession required if time admit.

> "Accordingly the penitent ought to confess his sins if he have time: and yet, before the confession is in his mouth, if the intention be in his heart, forgiveness is accorded him." [2]

Thus Peter Lombard appears to consider that contrition is not adequate unless it includes the intention of oral confession, but if such contrition is found, God will meet it with pardon, without any requirement of the actual confession. The recurring condition *if he have time* indicates that death-bed confessions are chiefly in view.

Farther on he says :—

> "From these and many other passages it is clearly shown that confession should be made first to God, and then to the priest: nor can access be otherwise had to the entry of Paradise, if opportunity be present." [3]

[1] *Lib.* IV. *Dist.* 17, § 1. [2] *Ibid.*, § 2. [3] *Ibid.*, § 4.

Here the opinion that contrition is inadequate without the intention of confession leads to the judgment that such inadequate contrition will find Paradise barred against it.

In another place Peter Lombard lays down that a confession in general terms may be taken to be sufficient to cover venial sins and such mortal sins as the memory does not retain. This is a judgment which has been generally accepted since his time.

Peter Lombard represents Paris.

Of Peter Lombard it is to be borne in mind that, although a Lombard by birth and training, the whole of his mature life was spent in the atmosphere of Paris. In requiring at least the intention of oral confession as a part of true contrition, he takes a long step beyond Gratian. It is a step which marks the difference of atmosphere between France and Italy in the middle of the twelfth century.

Peter the Cantor.

Another Peter, commonly known as Peter the Cantor, was canon and precentor of the cathedral of Notre Dame at Paris, and rector of the theological school for a period of many years. He died about A.D. 1197. He is cited above for what he says in connexion with the remarkable practice of confession to several priests, which for a time found a certain vogue.

Confession to several priests.

> "For then, when there is the very confession of the mouth, occurs the chief part of the satisfaction. Whence, as an authority has it, To the more priests thou confessest with the hope of pardon, so much the swifter absolution of thy fault wilt thou obtain. And this on account of the recognition of thy sin and leprosy." [1]

Anonymus Benedictinus.

To an unknown writer of this age, usually referred to as the *Anonymous Benedictine* (*Anonymus Benedictinus*) may be assigned the date of A.D. 1189, as he has a reference to the armed monks who accompanied Frederick Barbarossa to the Holy Land. He has left a treatise, *De pœnitentia et tentationibus religiosorum*. In it he lays stress on the importance of confessing the circumstances of sin.

The circumstances of sin to be confessed.

> "Confess therefore what thou hast done, as thou hast done it, and when thou hast done it, and in what measure thou hast done it, and where thou hast done it, and who thou art who hast done it, and who and what manner of person it is, with whom thou hast done it: or if it be impersonal, what it is. If thou wilt be safe confess all these circumstances with the number of the occasions, and the measure of the gratification, and the statement of thine age." [2]

Confession to one priest sufficient.

On the point of making confession to more than one priest he says that sin is sufficiently confessed by one confession to one priest.

[1] *Verbum abbreviatum*, c. 143. [2] *Cap.* 8.

"Thou makest inquiry if it is sufficient to confess once and to only one priest, that is to say, if the sin be not repeated, and if the penance enjoined be fulfilled. If the sin be not repeated, and the penance enjoined be fulfilled, it suffices, in my opinion, that confession be made once and to only one priest." [1]

The *Anonymous Benedictine* also expresses his judgment that sins will be forgiven as often as they occur, if the penitence be real. Some, he says, dispute this.[2]

Alain de Lille (*Alanus de Insulis*) was a distinguished theologian and poet of the twelfth century. He was born, probably at Lille, in the early years of the century, and he died in A.D. 1202. He appears to have taught in the schools of Paris, and to have been styled *Doctor Universalis*. His works are published in Migne's *Latin Patrology*.[3] Alanus de Insulis.

An interesting passage has been cited above in which Alanus enlarges on the theme familiar to moral theologians of later times that the priest in penance should proceed as a physician, and investigate the disorders of his penitent with sympathy and skill.[4] The priest as physician.

In another place he says that the spiritually sick man is to examine his conscience as to the whole past life with all detail of circumstance. If no serious sin appear, he should make a general confession to God. And it appears to be understood that nothing more can in such case be required. The succeeding passage is, however, significant of the development which was in course.

"And although in a general confession secret sins are remitted, yet it is our counsel that he betake himself to the priest that he may not seem to set aside a rule of ecclesiastical institution, saying to the priest that he is conscious with himself of no sin, but inasmuch as *in many things we offend all* and *the just man falls seven times a day*, let him call himself miserable and a sinner, demanding from the priest the imposition of some satisfaction, by which his sins, if there be any hidden ones, may be purged, though none are manifest." [4] Confession an ecclesiastical requirement even if no grave sin.

This is worthy of attention. A man who has no serious sins to confess, is required by no law of the Church to make confession: but the practice of confession has become so universal that it is regarded as a rule of ecclesiastical institution; and even the man with nothing to confess will seem to be setting aside this rule of ecclesiastical institution, unless he too betake himself to the priest, like everybody else. From this to the provisions of the Lateran Council of A.D. 1215 is now but a very short journey.

[1] *Cap.* 9. [2] *Cap.* 10. [3] Tom. CCX. [4] *Liber Pœnitentialis.*

In another place Alanus repeats the judgment of Peter Lombard that the compunction of the heart is not sufficient without confession, if there is time to confess. The spiritual leper ought to show his sin to the priest.[1]

Odo of Paris.

The *Synodical Constitutions* of Odo, bishop of Paris, issued in A.D. 1197, and the provisions of the Council of London in A.D. 1200 are the last authorities which need be cited before the Lateran enactment of A.D. 1215. They show the practice of confession in general use, and provide some measure of regulation. The *Synodical Constitutions* of Odo call upon priests to give care and caution, and to elicit by question adequate statements as to the habitual recurrence or otherwise of the offences acknowledged. Confessions are to be heard in some place in the church which is open to observation. The priest is not to look upon the face of the penitent.[2]

Westminster.

The council, which was held at Westminster under Hubert archbishop of Canterbury in A.D. 1200, impresses on priests the importance of obtaining in confession an adequate statement of circumstance, and also of enjoining upon married persons such penances as shall not expose them to their partners as guilty of heinous secret offences.[3]

Fourth Council of the Lateran.

The Fourth Council of the Lateran, reckoned in the Latin Church as the twelfth œcumenical, was summoned by Pope Innocent III. by letters issued in April A.D. 1213. The council assembled in November A.D. 1215. It was attended by bishops from every country in Latin Christendom, as well as by the representatives of numerous princes. There were present in all 412 bishops with 800 priors and abbats, besides the deputies of absent bishops, and other clergy. At this council was passed the important enactment which imposed upon all Christians arrived at years of discretion the duty of confessing as well as of communicating at least once in the year. The decree (21) may be given at length :—

> "Every *fidelis* of either sex shall after the attainment of years of discretion separately confess his sins with all fidelity to his own priest at least once in the year : and shall endeavour to fulfil the penance imposed upon him to the best of his ability, reverently receiving the sacrament of the Eucharist at least at Easter : unless it happen that by the counsel of his own priest for some reasonable cause, he hold that he should abstain for a time from the reception of the sacrament : otherwise let him during life be repelled from entering the church, and when dead let him lack Christian burial. Wherefore let this salutary statute be frequently published in the churches, lest any assume a veil of excuse in the blindness of ignorance. But if any desire to confess his sins to an outside priest for some just reason, let him

[1] *Liber Pœnitentialis.* [2] *Cap.* vi. [3] *Cap.* iv.

first ask and obtain permission from his own priest, since otherwise he (the outside priest) cannot loose or bind him. But let the priest be discreet and cautious, and let him after the manner of skilled physicians pour wine and oil upon the wounds of the injured man, diligently inquiring the circumstances alike of the sinner and of the sin, by which (circumstances) he may judiciously understand what counsel he ought to give him, and what sort of remedy to apply, making use of various means (*experimentis*) for the healing of the sick man. But let him give strict heed not at all to betray the sinner by word or sign or in any other way, but if he need more prudent counsel let him seek it cautiously without any indication of the person: since we decree that he who shall presume to reveal a sin discovered to him in the penitential tribunal is not only to be deposed from the priestly office, but also to be thrust into a strict monastery to do perpetual penance."

The modern system henceforth in force.

With this pronouncement of the Lateran Council the present series of studies may close. For the lands of Western Christendom confession is now made obligatory on all Christian people at least once in every year. The modern system of the Latin Church is henceforth in force. Modifications of the decree on minor points will in the after-time find place. Thus the obligation to confess to the parish priest, and the strict refusal of Christian burial to those in default, will not be maintained. But from the Lateran Council of A.D. 1215 the modern system of recurring confession obligatory upon all Christian people is the system of the Latin Church.

XV. A REVIEW OF THE PRACTICE OF PENANCE IN WESTERN CHRISTENDOM FROM A.D. 450 TO THE FOURTH LATERAN COUNCIL IN A.D. 1215

The fifth century.

THE fifth century was for the populations of the Roman Empire a period of cataclysm. It was one of those periods in the history of mankind in which it would seem that the Divine Providence, not brooking man as he is, permits a deluge of fire and sword to issue forth and seize upon him, that so he may be recast in the furnace, and that in the new setting which results he may be given new opportunities of faithfulness. Such periods are times of obstinate questionings for the thoughtful men who seek to understand. The Roman Empire had but now been gathered into the fold of the Christian Church. The future should have been one of Christian success and Christian triumph. Instead, as it would seem, comes overthrow. There are not wanting pagan voices which assign the overthrow to the anger of the gods of the old Rome. How does the Christian explain it all? Here is the subject of the treatise of Salvianus of Marseilles, *De Gubernatione Dei*. What is the key to GOD'S government of His world? Another and a greater writer, S. Augustine of Hippo, weary of the earthly State, summons up the vision of a better country in his *De Civitate Dei*. But if we do well to keep before us the vision of the City of God, the fact remains that there must be some sufficient reason for the overthrow of the earthly State. The answer of Salvianus is that the peoples permitted to conquer, the strong fresh hordes of barbaric origins, who have burst the Roman bounds, and swarmed over the fair Roman provinces, are in truth less profoundly vicious than are the thinly Christianised populations of the empire overthrown.

Moral decadence of Christendom.

Was Salvianus right in his arraignment of Christendom? It has been often assumed that he was a mere rhetorician, whose statements of fact were moulded to suit his arguments. But he does not stand alone. Paulinus of Pella admits his own share as a young man in those very lewd indulgences which Salvianus charges against the provincials of Aquitaine. S. Cæsarius of Arles, addressing his people face to face in his cathedral church at Arles, accuses even the married men among them of little-restricted

adultery with slave women and others, while the concubinage of men before marriage is so widespread that the bishop cannot attempt to excommunicate the offenders, and the popular judgment esteems their concubinage no sin.

In the West the discipline of Penance maintained.

In such a condition of the public morals what was possible as regards the practice of Penance? The modern mind may expect that the course of penitential practice would be parallel with the development which has been discerned at Antioch and at Constantinople. It has been seen that in those centres the control of the binding power was relaxed almost to the dereliction of its exercise: while the loosing power would seem to have been chiefly exercised in the cases of a few who stepped out of the ranks and voluntarily sought it. But the Western course had from the first its own marked features. It may be that the conversion of the empire was at Rome less able to overwhelm the discipline of the past than was the case in the principal Eastern centres. But whatsoever the cause the Roman patriarchate stood fast in maintaining the chief outlines of the ancient penitential practice. It has been seen from the letters of S. Leo that confessions at Rome were certainly private: and they were presumably made in ordinary circumstances to the priests of the *titles*. But the penalty or penance assigned had invariably to be performed in public, though some additional private penance might be undertaken. The reconciliation which came at the close of the penance was also a ceremony of marked publicity effected with circumstance at an annual solemnity. And finally, a feature of high importance, such solemn reconciliation was accorded and only accorded by the bishop of the see. These various distinctions of the Western practice were not confined to Rome, but were in operation throughout the Western patriarchate. Investigation shows that over the whole area of Western Europe and Northern Africa which looked to the primacy of Rome penance was public, reconciliation was public, and the minister of reconciliation was the bishop.

Its main features.

Penance accorded once only.

Also in the West the ancient rule that Penance could only be accorded once in the lifetime after Baptism was for a long period rigidly maintained. The studies of the writings of S. Chrysostom in the earlier part of the present inquiry have shown how at Antioch and also at Constantinople this time-honoured restriction, which seems to have been due to Hermas, was no longer observed. In the Western churches, however, at the opening (A.D. 450) of the period now under review only one Penance after Baptism could find admission. This was the case alike at Rome, at Milan, in Africa, in Spain, in Gaul. The last conciliar pronouncement affirming the rule was that of the Third Council of Toledo in A.D. 589. By A.D. 650 the restriction was everywhere relaxed: and the process of relaxation is marked by some curious half-way utterances. S. Cæsarius of Arles will admit to Penance *once or twice*, but for further declensions fears the worst. Similarly the African bishop,

Victor Tununensis (*d.* A.D. 567), who is doubtless following S. Cæsarius. So, again, somewhat later S. Eligius, bishop of Noyon (bp. A.D. 641–660).

After disabilities.

It was seen in the first part of these studies that a further feature in which the Western churches displayed a rigidity unknown in the East was the imposition of stringent disabilities which remained in force after the reconciliation, and were only removed by death. That these disabilities remained operative to any great extent may well be doubted : but so far as the recognition of them cast a shadow on the after lives of penitents, to that extent they must be reckoned as affording powerful co-operation in bringing about the general disuse of Penance in time of health, which now in fact set in.

Contrast of strict Penance with prevalent laxity of morals.

The Western situation as regards Penance in the centuries immediately following A.D. 450 is a situation of sharp contrast. On the one hand the prevalent moral atmosphere was of the laxest. It may be explained by the reflexion that the baptized community was but the old population of the pagan empire all too little influenced by its new assumption of the Christian membership. But it was none the less a moral atmosphere so relaxed that the outstanding historical marvel is that the Christian rule should ever have made head against it. That rule did in the end insist on recognition. It can, however, hardly be said that the ancient and public system of Penance was the means blessed to this achievement. It was, indeed, this rigid system which now stood confronted with the moral laxity of the day. For generations, even for centuries, the Western discipline still assumed to exact from all serious offenders a rigorous and humiliating course of public penance; to affirm that even this could only be conceded once in a lifetime ; and to impose burdensome disabilities after the penance was accomplished and the person reconciled.

Practice of deferring Penance to the death-bed.

But the response took a startling form. The Christian populations, unwilling to accept the only available practice of Penance, did without it while they lived : but when men were about to die, they clamoured eagerly for the one accorded Penance of the lifetime; and trusted in its efficacy to find a remedy for all the lapses of a careless life. How, in the new world which was forming, a reconstituted Christian discipline applied the sacramental force of Penance on new lines will soon be considered. In the meantime, as regards the general need, the ancient system of public penance as required of persons in health must be pronounced to have failed.

The sermons of S. Cæsarius of Arles make repeated complaint of the almost universal prevalence of this practice of deferring Penance to the death bed. His remedy is that Penance should be sought in time of health. Yet he is not prepared to expect that this will be done by large classes of persons who must have needed it not less than others. He does not ask or expect that young

men in military service, or that young married men should undertake Penance in view of the privations involved. The Council of Agde, of which Cæsarius is president, passes a canon ruling that Penance is not readily to be accorded to young men on account of the frailty of their age. No more humiliating admission of the failure of the system could be made; that is to say, if it was to be regarded as the general system of Church discipline applicable to all offenders and not merely as a voluntary exercise undertaken by some.

Penance, as ministered, does not meet all needs.

It is by no means out of keeping with this teaching of Cæsarius regarding Penance in health that he is represented as desiring that all persons should be admitted to Penance when they came to die. He, not less than the lay-people about him, appreciated the high value of Penance at the last if there had been no Penance before. In desiring that "none should retire from the world without the medicament of Penance" he is taking a long stride on from the position of the early Church. In the early ages Christians had regarded Penance as an exceptional concession, the necessity of which was always to be deplored, while the entire absence of it was the Christian ideal. S. Cæsarius can only desire that Penance at the last may be sought by *all;* that *none* should retire from the world without the medicament of Penance.

S. Cæsarius would have *all* seek Penance at death.

The difficulties of the public system had another result of high interest. The writers of the sixth century are found indicating alternative methods of Penance. Julianus Pomerius is prepared to admit the sufficiency of a Penance in which the persons discipline themselves by a self-inflicted penalty, and by accepted exclusion from communion during the course of such penalty. Thus the publicity of the penalty may be avoided : but absolution is not to be assumed till the full penalty in other respects has been satisfied. Then the person may proceed to communion.

Alternative modes of Penance.

(*a*) Pomerius.

Similarly S. Cæsarius is prepared to admit that a privately undertaken Penance is sufficient. And in his case there is not the same insistence on the exact fulfilment of a specified penalty equal to that of the public penance, and terminating at an exact point. With the purpose of penitence S. Cæsarius calls for the worthy conduct of the whole course of life; and in such worthy living will admit the attainment of reconciliation. But it is not merely as betterment of life that he regards this remedy. Rather it is the satisfaction of Penance. And he expects the attainment of reconciliation as following on the "worthy fruits of penance."

(*b*) S. Cæsarius.

The prevalence of death-bed penitence gave rise to an embittered controversy, of which southern Gaul was the centre. Men ranged themselves on either side. Gennadius of Marseilles holds that the confession of the dying may find the Divine pardon. Faustus of Reii is identified with the rigorist contention. With him death-bed penitence is insufficient because the acts of penance are not forthcoming. S. Cæsarius makes a careful pronouncement on the whole

Controversy regarding death-bed penitence.

question. He distinguishes three different sorts of death-bed penitence. There are those who do not need Penance because they are either free from grave stain, or else have found reconciliation. For these Penance at the last will mean an added grace. There are those who have sinned gravely, yet without the spirit of abandonment; and who now purpose amendment. For these Penance should be greatly blessed. Lastly, there are those for whose sins can be found no similar pleas: and from whom even at the last restitution and the forgiveness of others are not forthcoming. For this class S. Cæsarius expresses no great hope. The priest may give Penance: but he will be doubtful of the Divine forgiveness.

Actual practice of Christians. Many avoid Penance.

It was not easy to determine what exactly was the religious practice of the Christian populations of Europe who were thus learning to stand outside Penance till death was in sight. It would probably not be quite the same in any two countries. Thus there might be more practice of public penance in Italy than in Gaul or in Spain. In Gaul, as has been seen, people who disciplined themselves in private were regarded favourably: and no difficulties seem to have been made about their approach to communion. It has also been previously noted that S. Augustine in Africa, and S. Pacian in Spain, were of opinion that a good many people made their communions who ought not to have done so; and that in S. Augustine's day it was already the case that no one was excluded from communion but (1) those who voluntarily accepted Penance, and (2) those who were the object of a judicial sentence. It will probably be safe to assume that the rule here indicated continued to be observed: and that large numbers of persons not free from grave offence, who neither sought Penance, nor were under any external sentence, were in the habit of making their communions. It may be expected also that a large proportion of the Christian population never approached the altar at all; but left everything to the one last Penance on the bed of death.

A few accept Penance.

A few there always were who bravely admitted fault, and accepted the penitential system with all its consequences. In Gaul such persons were certainly present to be addressed by the bishop at the solemn reconciliation on the *Cœna Domini:* witness the sermons of S. Cæsarius and of S. Eligius. In Rome an elaborate procedure which still finds place in the *Pontificale Romanum* is concerned with the due conduct of the public penitence. By the canons of Barcelona (A.D. 540) penitents who were men had to present themselves with shaven heads and in a religious habit. They were barred from social festivities and from the practice of commerce. Other councils have analogous provisions.

It may thus be understood that a certain number of persons, more or less according to time and place, would be found undergoing public penance in the churches of the continent of Europe in the centuries following A.D. 450. These might sometimes include an appreciable number of voluntary penitents; and might

sometimes be practically confined to criminals who had been sentenced by the civil authority, as in the time of Charles the Great seems to have been the case in southern Gaul. It would appear that the practice of public penance nowhere died out: but that it ceased to be the practice of the main stream of offending Christians.

Public penance preceded by private confession.

The public penance was preceded by confession which was not public. S. Isidore of Seville says that grave sinners confess "with the priest standing solemnly in front of them in the presence of GOD." S. Gregory the Great complains that some confessions are inadequate: and also that confession only without the fruits of penance will be inadequate. It may be understood that confessions in Rome would continue to be made to the priests of the *titles*.

Penance and Lent.

Two significant movements are found to accompany what may be called the aloofness of the Christian population from the use of the public penance. One of these is the association of penitence with the fast of Lent; the other the giving of congregational expression to penitential devotion.

First, as regards Lent. The public penance which in the West had from ancient times been brought to an end by the solemn reconciliation in the Holy Week is now no less solemnly commenced on the first day of Lent, the persons actually accepting public penitence being shut up in a monastery during the course of Lent. This becomes a recognised discipline for the few public penitents. But the season of Lent has obvious claims on the penitential emotions of all who are conscious of fault: and as time goes on the Lenten services come to express the penitential need of the congregation generally.

Congregational penitence. The Spanish *Indulgentia*.

Notable among such general expressions of penitence are the Spanish services of *Indulgentia* employed on Good Friday, which are to be found in the Mozarabic Breviary. All the congregation have their part in the penitential prayer: and the most striking feature of the service is the repeated crying or shouting by the congregation of the word *indulgentia* (*pardon*). According to one form of the rubrics this word is to be repeated three hundred times in the first section of the service, two hundred times in the second section, and one hundred times in the third section. The service may be accounted as a brief congregational penance. It was understood to be a means to such forgiveness that those who took part in it worthily might make their Easter communions.

The British Isles.

No public penance.

Attention may now be directed to the course of penitential development in the churches of the British Isles. It is one of the most remarkable facts of Church history that never at any time did the continental system of public penance gain a foothold in these islands. The Irish and British churches, in some touch with one another, had in the fifth century but little association with the churches of continental Europe. From this it is by no

means to be implied that the Irish and British churches fell into darkness and ignorance because the light of foreign learning was withdrawn. The converse is rather true. While Italy and Gaul were sinking into ignorance, the Greek and Latin learning of an earlier period was keenly kept alive by the scholarship of Ireland. At the same time the church development of Ireland, cut off from association with the continent, proceeded on largely independent lines, and struck out new and divergent methods. Not only were these insular churches different from the continental churches as regards the controverted matters which loomed largest in the days of Augustine and his successors, that is to say, the time of observing Easter, and the fashion of the tonsure: but they had an important monastic system with many peculiar features, and in connexion with this monastic system they developed a procedure of Penance, which not only held the field as regards the British Isles, but was destined in time to meet and to supersede the existing penitential procedure of the continent.

The Keltic system.

The beginnings of the Keltic system of Penance may be already discerned in the *Præfatio de penitentia* of Gildas (*d.* A.D. 570);

Early Welsh documents.

in the records of the synods of Llandewi-Brefi (*ante* A.D. 569), and of Lucus Victoriæ (A.D. 569); and in the *Liber Davidis*. In these various documents, while private confession appears to be presupposed, the penances assigned are also private without public counterpart in the Liturgy, there is no public solemnity of reconciliation, and no reference to the bishop as the minister of reconciliation. A highly important document in this development is the

S. Finian of Clonard.

Penitential of S. Finian. Finian of Clonard is an outstanding personality in the Church history of Ireland. He is a prominent leader in the creation of that particular type of monastic institution which found place within the precincts of the monastery, not only (1) for the monks proper with their stricter rule, but at the same time (2) for clerks and other students who flocked to the monastery as to an university for the prosecution of the higher studies of the day, and also (3) for penitent persons who sought in the seclusion of the monastery to abase themselves in penitence before their God. It is for the right treatment of the penitent that Finian jots down in a book of the class which will come to be known as

His *Penitential*.

Penitentials the penalties or penances which are in his judgment appropriate to particular offences. He may be understood to base largely on his own experience. At the same time he claims to have thus written "in accordance with the sentence of the Scriptures or with the opinion of some very learned men." These are probably such British teachers as S. David and S. Gildas.

Distinctive features of this Penance:— (*a*) private penance, (*b*) private

The features of S. Finian's *Penitential* which are important in this inquiry are the recurring Keltic features: (1) that there is no public exercise of penance in connexion with the Liturgy; (2) that there is no indication of public reconciliation; and (3) that there is no recourse to the bishop. The penalty or penance

assigned, shorn of public features, has become for the most part fasting on bread and water, though other penances find place. There is not much reference to the ministrations of the priest. The admission to communion may perhaps be taken to imply reconciliation by the priest if this was not given otherwise.

reconciliation, (c) and this by a priest.

The *Penitentials*, which for centuries to come will play an important part in the development of Penance, were collections of penances suitable for various classes of offence. As such they would not differ in principle from such documents as the letters of S. Cyprian to Antonianus, or the canonical epistles of S. Basil. They tend to be more elaborate and detailed than such ancient documents: and their carefully graduated penalties have been described by a French writer as a *penitence tarifée*. But it is not in these features that the distinguishing character of the *Penitentials* is to be found. The *Penitentials* are only understood when they are discerned to be the working hand-books of the ministers of Penance. Such ministers are not bishops but priests. They assign to the offender without public circumstance a due measure of penalty or penance, and when this penance is accomplished they effect the reconciliation without any recourse to the bishop. Such is the meaning of all the penitential books, whether Keltic, or English, or Frankish. They are the instruments of the private system of Penance in the hands of priests.

Significance of the *Penitentials*.

They are the hand-books of the priests.

The *Penitential of Finian* cannot claim the completeness or ordered arrangement to which some later penitentials are found to attain. It is rude and fragmentary: but it is of high importance in this inquiry because its very words in clause after clause are reproduced later in the *Penitential of Columbanus*, thus proving, as might have been expected *a priori*, that S. Columbanus went back to his Irish teachers, and to the Irish Church, for the foundations of his system. The system is a Keltic system, pure and simple.

The *Penitential* of S. Columbanus follows that of S. Finian.

S. Columbanus is important for this inquiry as the most prominent among the Irish monks of the sixth and seventh centuries who introduced the Keltic type of monastery at various centres on the continent, and with it the Keltic procedure of Penance. By him were founded Anagrai, Luxeuil, and Fontaine in Burgundy, and Bobbio in the Lombard country. To him and his companion monks in these various centres came large numbers of penitent persons who accepted without demur the Keltic procedure of Penance as imposed upon them. Such penitent persons included bishops and nobles as well as persons of inferior grades. These persons did not seek or fulfil the public or canonical Penance which was ministered in the ordinary procedure of the churches of the Frankish lands. After their confessions had been duly made they performed in at least comparative privacy the penances imposed upon them, penances which had no place assigned to them in the public Liturgy; and they were in due course reconciled also without

S. Columbanus. His administration of Penance in Burgundy.

The new procedure of Penance like that of death-bed Penance.

public circumstance, and by a priest. It should be noted that all such continental Christians who availed themselves of the Keltic ministration of Penance, were thus admitted in time of health to much the same procedure of Penance as they were accustomed to ask from the Gallic clergy when death was in sight. The confession under any system of Penance would be private. The reconciliation also in the death-bed ministrations as in the Keltic system was without publicity, and its ministrant a priest. The most important point of difference was that, while the death-bed penitent escaped the exercises of penance, in the system of the Keltic monasteries such exercises were, if without much publicity, yet exceedingly real and exacting. The near resemblance of the new Keltic method for persons in health to the familiar death-bed ministrations employed in the Gallic churches may be understood to have played no unimportant part in the ready acceptance which was accorded to the new method. It was not startling, because under other circumstances it was familiar. It met with a reasonable measure of accommodation the crying need of the penitent soul. It proved to be the greatest of the attractions of the Keltic monasteries. "From all sides," says Jonas of Elno, "the people flocked together to the medicaments of Penance."

Influence of the Keltic monasteries.

Wheresoever a Keltic monastery was founded it became a living centre of spiritual influence: and it was largely through the Keltic system of Penance that this spiritual influence was brought to bear. In previous pages of this work some sketch has been attempted of the extraordinary multiplication of monasteries of the Keltic type in the Frankish lands in the seventh century. Not only the Keltic pioneers, but also their Frankish disciples, are seen busily founding one after another religious houses of the Keltic type: and to these foundations the Christian people of the Frankish lands flock with enthusiasm, whether as penitents, as scholars, or in pursuit of the full monastic ideal. Such houses were Jouarre, Reuil, Rebais, Faremoutier, S. Valéry, Centule, S. Vandrille, Jumièges. In all these houses the penitential system of S. Columbanus would be in use.

They train bishops,

It has been noticed that men of standing were among those who sought the leading of the new monastic foundations. Besides the monks themselves, a large number of the leading ecclesiastics of the day owed their best impulses to the Keltic houses. Among the bishops of the Luxeuil training are reckoned Chagnoald, Acharius, Ragnacharius, Omer, Faro, Ouen, Remaclus, Hildebert, Dieudonné. All these, like the other bishops of the day, would be called upon as bishops to minister the ancient canonical system of Penance, and in their cathedrals on the *Cœna Domini* to reconcile in a public solemnity those penitent persons in their flocks who had accepted the public system of Penance. But all these must none the less from their training be understood to stand in close sympathy with the Irish system, and to be prepared to welcome

among the reconciled the numerous persons who had rendered penitence and found acceptance in the monastic houses.

and nurture saints.

Nor must the saints of these centres of devotion be overlooked. Twenty-one saints honoured by the veneration of the Church are reckoned for Luxeuil alone in a period of twenty years. All such must be identified with the Keltic system of Penance.

Penance approved by Council of Chalon for all (c. A.D. 640).

It is thus not to be wondered at that at the Council of Chalon, held some time between A.D. 639 and A.D. 654, the bishops present are found to express a judgment that "the Penance of sinners, which is the medicine of the soul, we deem to be useful for all men"; a point of view sharply in contrast with that of the first three centuries, which regarded Penance as a deplorable necessity in exceptional cases.

Multiplication of penitential books.

The penitentials used in the administration of this system were not confined to copies of the *Penitential of Columbanus*. As priests were called upon to exercise the ministration of Penance, they became conscious of the need of some compendium of suitable penances to be assigned. What was required was a compilation of no great extent which, in days when the printing press was not available, a priest of some education would commonly find it most convenient to write out for himself. He might simply copy a particular manuscript: or he might make a selection of penances from various manuscripts to which he had access. In this way a variety of penitential books came to exist: and the feature to be noted in all the continental books of this kind put forth before about the middle of the eighth century is that they are derived in the main from Keltic sources with perhaps some admixture of canons and of prayers taken from the ancient continental use; but as yet without any reference to the books used by the English or Anglo-Saxons, such as the penitentials of Theodore, and of the Venerable Bede. Examples of such continental books not affected by Theodore are the *Pœnitentiale (pseudo-)Romanum*, the *Pœnitentiale Bobiense*, and the *Pœnitentiale Parisiense*. The *name* of the *Pœnitentiale Romanum*, a book mainly of Keltic origin, but with the addition of two Roman offices of the public system, has been the means of misleading many persons in different ages to expect a Roman origin for some of the penitential books.

Appreciable use of the Keltic Penance in the seventh century.

Thus in the seventh century it may be understood that a considerable number of persons on the continent had learnt to have recourse to the administration of Penance as it was to be had in the religious houses of the Keltic character: and as it was coming to be administered by an appreciable number of the clergy who had been trained under the influence of these houses. Yet these penitents were by comparison with the population few: and the words of Jonas must hardly be taken to imply that there was at this time universal or even very general recourse to the "medicaments of Penance." But all

that is most fervent and zealous, all that is most unselfish and devoted, in the Frankish lands, is bound up with the new monastic centres: and wheresoever these are, there too is the new procedure of the loosing of the Lord.

The public system also employed.

All the time the ancient public system continues in some measure of employment. Wheresoever the records have come down to us, the procedure of the central church on the *Cœna Domini* shows the bishop reconciling public penitents in a function of imposing solemnity. And in connexion with this public system for those in health there is everywhere in use the admitted penitence of the dying with the priest as minister of absolution to the passing soul. Thus side by side the ancient system and the Keltic system are found in operation: and as yet there is no hint of clash or contrariety.

The Saxon conquest of England.

In the meanwhile the islands in the Western sea had undergone great happenings. The Jutes, Saxons, and Angles had occupied nearly all that portion of Great Britain which is now known as England: and also a considerable part of what are now called the lowlands of Scotland. Their coming had not only driven the British race into the mountains and shelters of the Western coast; into Wales and Cornwall and Strathclyde; but with them all that remained of the faith and practice of the Christian religion. The fierce cult of Thor and Wodin overspread the land till in the providence of God the apostolic energies of Christian missionaries were brought to bear. In these missionary labours it is a disappointment to find that hardly anything is due to the Welsh or British Christians. Two main streams of missionary advance are found. There is the Roman mission due to the zeal of Gregory the Great, and identified with the name of Augustine of Canterbury: and there is the apostolic tide which sweeps down from the Keltic centre of Hy or Iona, itself an offshoot of the Irish fervour. In due time, and with some assistance from particular missions not so readily classified, the greater British island becomes again a Christian land.

Conversion of the Saxons by missions

(*a*) from Rome,

(*b*) from Iona.

The Keltic and Roman traditions.

The two strains of Church tradition, the Keltic and the Roman, with the two resulting systems of ecclesiastical method, are now found in direct contact with each other at numerous points in different parts of the country: and the earliest narratives do not indicate agreement or harmony. There is keen strife about the time of keeping Easter; and hardly less about the tonsure. By degrees agreement is reached. The outstanding personality in the work of the final unification is the great Theodore of Tarsus, who became archbishop of Canterbury in A.D. 668. Under his leadership English Christianity becomes at length embodied in one Church, duly organised in dioceses and parishes. The earlier differences have been harmonised or suppressed. The Easter and the tonsure of the Roman mission are now required of all. If Scotch or British bishops maintain distinctive usages

in these matters Theodore declines to recognise the clergy ordained by such bishops.

The Keltic system of Penance accepted by Theodore.

It might be expected that Theodore would insist no less on the adoption of the Roman or continental system of public penance. Instead of this he is found accepting for the whole country, and with entire approval, the system employed by the Keltic missionaries: and not only accepting it, but by means of the *Penitential* which bears his name, giving the system a more considered arrangement, and a more finished completeness, than it had reached before.

Reasons:— (1) The public system never in force;

For this noteworthy attitude there is more than one reason. The first to be noticed is that up to the time when Theodore assumed his primacy in England the public system of Penance had never been introduced into this country. It was no part of the method of the Keltic missions: but also for whatsoever reason the mission of S. Augustine and the other missions of continental origin had never sought to introduce it. It may well have been impracticable to impose upon a population of fierce and savage raiders such disabilities as the privation of arms and the prohibition of the use of marriage. But be the cause what it may, the fact remains. In the *Penitential* Theodore states that the Roman reconciliation of penitents by the bishop on the *Cœna Domini* "has not been publicly appointed in this province, because there is also no public Penance."

(2) the Eastern training of Theodore.

As regards Theodore's personal willingness to accept the Keltic system of Penance it may be remembered that his long monastic training had been in the Church of the East; and that accordingly he would be familiar with the delegation of the reconciling authority to a priest on adequate occasions, and would also be free from the tradition of publicity as an essential circumstance of Penance.

The *Penitential of Theodore*.

The *Penitential of Theodore*, though not actually the work of the archbishop's pen, appears to have been taken down at his dictation on the promptings of the questions addressed to him by the priest Eoda, working from a Keltic penitential in his hands. It takes rank henceforth as the first and most important of penitentials, and plays a foremost part in the spread of the system not only throughout the length and breadth of England; but also in the countries of the continent.

Recurring confession.

There comes now to be noticed the growth of the system of recurring confession. It is again in England, and from the time of Theodore, that it is possible to trace the employment of recurring confession as a habit of the devout life among the lay-people. Recurring or habitual confession had now been in use with more or less of rule and system in the monastic societies of Christendom for many centuries: but never till now had it found a place in the practice of the lay-people who lived in the

world outside. In the monastic societies it had not been intended to be the prelude of the sacramental reconciliation of an alienated soul in the ordinance of Penance; but rather to be the means by which the fervent disciples of the devoted life might the better attain to the perfection which they sought. It is not a little interesting to note that in the rule given by S. Donatus of Besançon to the nuns of Joussamoutier these periodical confessions of offence are to be made not to a priest but to the abbess. With the spread of the practice of habitual confession to the lay-people there comes some change of character. It will still ordinarily be a habit of the devout as regards the minor sins: but it deals also frequently with grave sins, when it becomes confession for Penance: and such Penance will know no bar of repetition.

It is practised by lay-people from the time of Theodore.

The statement is made in the *Dialogue of Egbert*, archbishop of York (between A.D. 732 and A.D. 736), that "since the times of pope Vitalian and Theodore, archbishop of Canterbury, a custom has obtained in the church of the English, and has come to be held as having the force of law, that not only the clergy in monasteries, but also the laymen with their wives and families should betake themselves to their confessors." This was to be in the twelve days before Christmas.

The practice thus indicated in the *Dialogue of Egbert* is a noteworthy point of departure. Nowhere else in Christendom has the habitual confession of the laity as a recurring devotional practice yet found place. From this beginning it spreads till it lays hold of the whole Western Church. It is able to do this because the system of Penance now employed is the modern or private system. So long as the ancient canonical system was in force; so long the ready repetition of Penance found a bar. But with the introduction of the modern method there was no hindrance to the repetition of confession as often as priest and penitent were agreed to admit it.

The practice of Penance in the eighth century.

If now Western Christendom be reviewed as regards the practice of Penance in the middle of the eighth century (*c.* A.D. 750) there may be seen on the one hand the British islands standing solid for the new or Keltic procedure, and also already largely practising habitual or recurring confession. On the other hand all the continental churches retain the ancient or canonical use of public penance; but in the Frankish lands, and to some extent beyond them, the ancient practice has come to be supplemented in numerous cases by the Keltic procedure in use in the many monasteries of the Irish type, and by the many clergy who were under the influence of those houses.

Four streams of influence spread the Keltic

The continental development of Penance may from this point be traced in four different streams. There is first the growth and extension of the Keltic procedure already introduced and

accepted. There is next the important influence of the *Penitential of Theodore* when it is introduced from England in the Frankish regions; an influence strikingly manifested by the considerable number of penitentials of Frankish compilation which were based upon it. In the third place comes the widespread influence of the English missionaries in the Germanic countries. Such were S. Boniface, otherwise Winfried of Crediton, the apostle of Germany; S. Willibald, bishop of Eichstädt; S. Willehad, bishop of Bremen; S. Willebrord, archbishop of Utrecht. In the fourth place is to be reckoned as of high importance the little band of English scholars, of whom Alcuin was the most prominent, at the court of Charles the Great.

Penance on the continent:— (1) Existing use; (2) the *Penitential of Theodore*; (3) the English missionaries; (4) Alcuin and his scholars.

All these streams of influence made for the spread of the private system of Penance. The work of the Keltic monasteries and of the clergy influenced by them goes on ever widening. The multiplied copies of the *Penitential of Theodore*, and the many other penitential books based upon it, indicate everywhere in the Frankish and German lands the ministrations of Penance by the priesthood under the private system. The English missionaries know no other system, and wheresoever their influence reaches the English practice of Penance goes with them. Finally the influence of Alcuin and of his English teachers may be reckoned as not less effective, and as spreading from the palace school of Aachen, or from the school founded in the abbey of Tours, with all the weight of imperial favour, the English convictions and the English practice.

Students have found it hard to believe that the modern practice of Penance could have taken its rise in northern lands, and have penetrated southwards till it laid hold of the Mediterranean regions which had been the cradle of Western Christianity. The reverse process was obviously to be expected. It was more likely and more suitable that any important modifications destined to lay hold of the whole Western Church should have their source and origin at Rome, or at any rate in the southern lands whence had come all previous beginnings. Yet it cannot reasonably be doubted that as a fact of history the modern system of Penance did originate in the Keltic churches;[1] did extend to Frankish centres on the continent, and to the church of the English at home; and did last of all lay hold of the Mediterranean lands, of Italy, of Septimania, of Spain. That this was possible may be largely due to the fact that the whole of the continental Christendom of the West, with the exception of the tract directly administered by the Pope, was in the early part of the ninth century under the sway of Charles the Great: and that under Charles the Great any method of reform which was held to make

The empire of Charles the Great.

[1] In the West. It has been seen that at Constantinople in the fifth century the priest penitentiary was already administering a system not greatly different.

for righteousness would find its path open. Thus the Keltic, now also the English, system found a clear course: and if its spread necessarily met with some opposition and some check, it none the less made head and in the end prevailed.

It has been said that this tide of progress met with some opposition and some check. For the history of Penance the first half of the ninth century is in the empire of Charles the Great, but more particularly in the Frankish centres, a period of clash and collision. Side by side in the dioceses the two systems of Penance are at work: and in their results they are daily seen to be greatly, even absurdly, irreconcilable. In the canons accepted by the ancient use penalties of great hardship are often assigned for offences which the new penitentials assess at much lighter measures of satisfaction. It is a chaos of discipline: and voices of discontent begin to make themselves heard.

Clash of the two systems.

Among the scholars at the court of Charles was the poet Theodulf, soon to be bishop of Orleans. It is clear from his *Capitularies* when bishop that while, presumably from contact with Alcuin, he had modified the Gothic or Spanish position, and was prepared to attach a high value to confessions made to the priest as well as to confessions made to God alone; he was definitely of opinion that penances should be based on the Canons of the Fathers, and on Holy Scripture. He makes no direct attack on the English or other penitentials: but his disapproval of these is sufficiently plain. A little later, at the Council of Chalon, one of the five reform councils of A.D. 813 which were assembled under the authority of Charles the Great, the teaching of Theodulf is repeated; but also the penitentials are directly and violently attacked. The council holds that penances should be based upon (1) Canons, (2) Scripture, or (3) Custom; "the books which they call penitentials being repudiated, and altogether banished." It is added that "in these books are errors of which there is no doubt, while the authorship is uncertain." The Council of Tours, another of the reform councils of A.D. 813, has its seat at the centre from which Alcuin's influence had spread; and is, as might be expected, prepared to regard the practice of confession to a priest favourably: but the council notes that the penances assigned by different priests greatly vary. It does not, like the Council of Chalon, recommend the abolition of penitentials: but it submits that the imperial assembly about to meet at Aachen should indicate which of the penitentials was to be preferred. A few years later the Council of Paris (A.D. 829) makes a vehement attack on the whole output of penitentials. They are "documents written in opposition to canonical authority." They "do not heal the wounds of sinners, but rather caress them and inflame them." The bishops should "diligently make inquiry for these same faulty documents, and

Theodulf.

The *Council of Chalon* (A.D. 813) attacks penitentials.

The *Council of Tours* (A.D. 813) would have one penitential preferred.

The *Council of Paris* (A.D. 829) condemns all penitentials.

should deliver them when found to the flames, so that in future unskilled priests should not by these means deceive men." So violent was the opposition which for a time was made to the employment of penitential books.

Considerable practice of confession in the ninth century.

Meanwhile the actual practice of confession increased continually. Jonas, bishop of Orleans from A.D. 821 to A.D. 843, states that in his day "it is the custom of the Church to make confession of the graver sins to the priests by whom men are reconciled to GOD." He goes on to say that very few make a practice of confessing minor sins. German vernacular forms of confession of this period show the growing prevalence of the practice of confession in the Germanic lands.

Attempts to compile authoritative penitentials. Halitgar.

The attacks made upon the penitentials had the effect of rendering many, who would hardly have taken part in such attacks, yet seriously uneasy as to the employment of these compilations. Ebbo, archbishop of Rheims, prevails upon his friend Halitgar, bishop of Cambrai, to frame a penitential based upon the Fathers and the Canons. Such a book, it was hoped, would supply the real need of a handbook for the clergy; while indicating no penalty which could not claim authoritative sanction. Halitgar finds that he has undertaken an impossible task. He accordingly appends to his own work the *Pœnitentiale Romanum*, which he supposes to be of Roman origin. In Germany a similar undertaking was set on foot by Otgar, archbishop of Mainz, who (A.D. 842) called upon Rabanus Maurus, then abbat of Mainz, to make a concise selection from the Canons and the Fathers.

Rabanus Maurus.

These not satisfactory.

Neither of these two attempts to restrict the assignments of penance to penalties sanctioned by authoritative pronouncements were found in practice to be satisfactory. The same was the case with other similar attempts. What the compilers produced was in each case only another penitential, meagre and inadequate, harsh yet incongruous, without accommodation to present circumstance, and as a practical handbook all but valueless. Halitgar's addition of an existing penitential to his own compilation is an admission of this inadequacy. Nor was it long before these reformed and superior penitentials were generally laid aside.

Regino of Prüm (c. A.D. 906) requires the Penitential of Theodore or that of Bede.

In the opening years of the tenth century Regino (*c.* A.D. 906), abbat of Prüm in what is now Rhenish Prussia, in the first of his two books, *De synodalibus causis et disciplinis ecclesiasticis*, gives a scheme of episcopal visitation. The bishop is to make inquiry of the parish priest "if he have a Roman penitential, either that put forth by Theodore the bishop, or by the Venerable Bede, so that in accordance with what is there written, he may either question the penitent when confessing, or impose the (due) measure of penance upon him when he has confessed." Thus it appears that the controversies of the ninth century have died away, and that not only are the clergy at liberty to employ the

English penitentials without opposition, but that they are required by the bishop to possess one such penitential for the proper exercise of their ministry. The work of Regino of Prüm is Rhenish in origin, but appears to be intended for general use in the empire. The modern system of confession with private penance and private reconciliation is now in general employment: and opposition is no longer made to the use of penitentials by the priest for guidance in his ministrations.

Some discretion admitted in the priest.

The next development to be noted is the recognition of some measure of discretion on the part of the priest. All the controversies of the ninth century have been as to whether the authorities which the priest was at liberty to follow were to be the ancient authorities only, the Canons and Scriptures, and Customs of the Church; or whether there might be admitted also the books called penitential, and if so which and how many of them. But not a voice has been heard to suggest that the priest who has been set apart for his sacred office by the Divine appointment should be recognised as rightly exercising a considerable discretion. That he must always have done so, if only by his choice of a penitential, is sufficiently obvious. And now, in the second half of the ninth century, his personal part in the discrimination of penances comes to be more clearly recognised.

The *Council of Worms* (A.D. 868).

The Council of Worms, which met in A.D. 868, calls upon the priest to take account not merely of the character of the offence, but of the person, of the measure of his penitence, of place and age and time, in short, of all the intangible circumstance which surrounds and conditions any human action. It will now not be very long before the discretion of the priest finds frank recognition. In the eleventh century pope Alexander II. (*c.* A.D. 1065) in one of his letters will be found asserting that the grace of mercy is "constrained by no law and coerced by no duration of time," and that "it appertains to the discretion of the pastor to rather regard the contrition of heart and the emotion of grief."

Alexander II. (*c.* A.D. 1065).

The Italian lands.

Meanwhile the practice of the Italian lands stands outside the general practice of the empire of Charles the Great. He is,

Lombardy.

indeed, the king of the Lombards: but the laws and customs of the Lombard peoples are still in force; and the Lombardic church has not received many of its impulses from the ecclesiastical currents which are operating beyond the Alps. There is the strong religious foundation of Bobbio which has planted the fervour of Columbanus amid the fastnesses of the Apennines: but elsewhere the northern system of Penance finds no echoes.

Ancient system of Penance retained.

Paulinus of Aquileia (*d.* A.D. 802).

Paulinus, patriarch of Aquileia (*d.* A.D. 802), who had been one of the little band of scholars at Aachen, and who would be personally acquainted with Alcuin and with Theodulf, is found to issue important directions in detail for public penance of the

ancient or canonical type, while recognising as an alternative penance for grave homicide the retirement to penitential exercise in a monastery for the whole term of life. The public penance is to involve strict abstinence from wine and strong drink, and from meat except at Christmas and Easter. There may be no weapons, and no lawsuits. Marriage is barred. Social festivities and the use of the bath are to be eschewed. In church the place of the penitent is one of humiliation. In short the penance is the ancient public penance of Christendom: and there is no recognition, except in the case of life-long seclusion in a monastery, of the modern private penance now employed in the Frankish lands. Half a century later the Council of Pavia (A.D. 850) forbids all reconciliation by a priest except in case of grave necessity. The priest is to take order for the due observance of the penance, and to assign a term to it as the particular case may require: but the reconciliations are to be effected by the bishop. The Italian standpoint has not shifted from the position already taken up in the fourth and fifth centuries. Again, a century later than the Council of Pavia the *Capitulary* of Atto, bishop of Vercellæ (*c.* A.D. 945) lays down that the presbyter can only reconcile with the bishop's permission, and even that the bishop is to be consulted in the assignment of the penance.

Council of Pavia (A.D. 850).

Atto of Vercellæ (*c.* A.D. 945).

In some respects the Italy which was administered by the popes would have features of its own differing from the Lombard characteristics. But there is no evidence of the use of the modern system of Penance in the Italy of the Popes any more than in the Lombard districts. It cannot be shown that the so-called *Pœnitentiale Romanum* was as yet in use in Rome. A remarkable circumstance which occurred in A.D. 866 may be cited to show that at Rome there was then at any rate some acquaintance with penitentials. At the request of the new Christians of Bulgaria Nicholas I. sent them with some secrecy a *judicium pœnitentiæ*. This phrase is often employed to indicate a penitential book. That the popes and the Roman church would by A.D. 866 have some acquaintance with such publications as the *Penitential of Theodore* is reasonably certain. It may well have been the case that they would regard such books without alarm, and with some measure of benevolence; and that, accordingly, when an infant church showed a desire to have a penitential similar to those in use in the Western empire, the Roman pontiff would not be prepared to refuse the communication of such a book. But that penitentials had ever been in use at Rome or in Central Italy up to A.D. 866 is not proven. And notice will shortly be taken of the hostility aroused in Rome by the penitential books as late as the middle of the eleventh century when they had come to be in some measure of use.

The Italy of the Popes.

Penitentials not used at Rome.

Survey of Western practice A.D. 950.

Surveying the Western practice of Penance at about the year A.D. 950 the modern or Keltic system is seen to be solely employed in the British Isles, and to be predominant in the continental countries north of the Alps: while in Lombardy and in the Italy of the Popes the ancient or canonical system is still in almost undisturbed possession. In England, so far as the troubled times admit of it, there is doubtless a conviction that the ecclesiastical custom of confession recurring annually is of general application, and that it has something of the force of law. In the continental countries where the modern system has made its way the recourse to it is probably more partial, and the recurring use of it carries as yet less sense of ecclesiastical requirement.

Developments after A.D. 950.

In the period which stretches from A.D. 950 to the Fourth Council of the Lateran in A.D. 1215 the modern system is found to strengthen its hold of the regions north of the Alps, and also to enter into possession of the southern lands. The partial use of it becomes a general use. Its voluntary character gives place to a sense of obligation, though without positive enactment. And this sense of duty does not only bear upon the soul conscious of deadly offence, and in need of the loosing of the Lord. It is becoming a recognised duty for every adult Christian to confess again and again at intervals; the interval which by ecclesiastical custom should not be exceeded being the year from Easter to Easter. At last at the Fourth Council of the Lateran all this is embodied in a definite decree for the whole of Western Christendom. "Every *fidelis* of either sex shall after the attainment of years of discretion confess his sins with all fidelity to his own priest at least once in the year."

These earlier in France and Germany than in Italy.

In the studies of this period which have been given above some steps in this development have been noted. The new position is attained earlier in France and Germany than in Italy. The *Corrector* of Burchard, bishop of Worms (A.D. 1000–1025) by its detailed provision for particular offences, indicates the considerable use made of confession. Honorius of Autun (*c.* A.D. 1135) leaves homilies assuming frequent confession on the part of those addressed. Hugh of S. Victor (*c.* A.D. 1141) notes that some practise confession from sheer habit without compunction of heart. Peter Lombard (A.D. 1100–1160), who, although born in Lombardy, is identified throughout his long teaching career with the church of Paris, lays down that the penitent is bound to confess if time admit: but that, given this intention, contrition is adequate to obtain forgiveness without the act of confession. Alain de Lille (A.D. 1202) teaches that persons should confess to a priest even without necessity, in order that they may not seem to set aside a rule of ecclesiastical institution. The *Synodical Constitutions* of Odo, bishop of Paris (A.D. 1197); and the enact-

ments of the *Council of London* of A.D. 1200, show confession in general use, and are concerned to regulate it.

In Italy Alexander II. (Anselm of Lucca, A.D. 1065) licenses two priests, as an exceptional measure, to impose penances. It is, however, at much the same time that S. Peter Damiani (A.D. 1007–1072) condemns confessions made to a partner in guilt, a condemnation sufficiently showing that confession was in considerable use. Peter Damiani has also left an extremely interesting account of the circumstances of the general confession made to himself by the empress Agnes in the *confessio* of the basilica of S. Peter at Rome. To another penitent who has had recourse to him, the marquis Rainer, he writes exhorting him to set out to the Holy Land without further delay in fulfilment of his penance. Perhaps for the present studies the most remarkable material in the writings of Damiani is the violent onslaught which he makes on the penitential books. It appears that in the middle of the eleventh century these books are finding some use at Rome. It is angrily maintained by Damiani that they are entirely without authority, and altogether unworthy of acceptance.

S. Peter Damiani.

Opposition to penitentials.

Gratian represents Italian churchmanship a century after Damiani. His date may be given as about A.D. 1150. The personal experience of the great codifier of the canon law was entirely Italian: and this has its bearing on his attitude in the matter of confession, which is worthy of careful note. Putting forward the question whether confession of sin to a priest is required, or whether contrition without confession will attain forgiveness, he cites a long array of eighty-nine authorities bearing on either side, and sums up that both opinions are well supported. It is only three-quarters of a century later that at the Fourth Council of the Lateran (A.D. 1215) the edict goes forth to the whole of Western Christendom that every Christian who has attained discretion must confess his sins at least once in every year.

Gratian.

Fourth Lateran Council (A.D. 1215).

In this second part of the studies undertaken in the history of Penance the Western practice from A.D. 450 to A.D. 1215 has been considered. It has been seen how in the earlier centuries of this long period the ancient or canonical system of public penance was universal throughout the West; and how in the after-time it gradually gave place to the modern system of private penance with reconciliation also private and ministered by a priest. Let it be affirmed again that this development did not mean that the confessions of penitents had been previously public, and had now become private. This is not the case. So far as the evidence goes the confession of the sinner had always been private, except in the temporary practice of Campania, Samnium, and Picenum condemned by Leo the Great. Nor was this modern development of private penance, and of private

Survey of Western use from A.D. 450 to A.D. 1215.

reconciliation by a priest, a thing altogether new in Christendom. The account given by Socrates and Sozomen of the confession of the lady at Constantinople in the fifth century will be found to differ in no important respect from the confessions now made in the West. But in the West the private system was only arrived at after the lapse of centuries.

Survey of history throughout. Variety of conditions and procedure.

The student of the history of Penance who has pursued this long investigation throughout will be conscious of an extraordinary variety in the conditions under which Penance is found in operation, and in the procedure by which it is applied. In the first three centuries is noted the prevalence of rigorism, which denies absolution in this life to the penitent in mortal sin, and will only point him to the mercies of the Lord at the Great Day. During this period is developed a procedure of Penance for those who found admission to it. This procedure comprises (1) a confession of sin to the bishop or priest, (2) a public exomologesis, or ordered course of public humiliation, (3) a reconciliation or absolution, ordinarily public. The Penance so ordered is accorded only once in the whole term of life after Baptism. The fourth and fifth centuries, which witness the crowding of the world into the Church, show the Church confronted with an entirely new situation. These centuries exhibit great differences of practice in course at the same time in different areas of Christendom. In the Asian provinces at least for a time is developed the system of graded penance. In this system the terms of satisfaction which are required are often of great length. At Antioch the graded system finds no place, and while recourse to a priest is in recognised use, S. Chrysostom's most characteristic teaching on penitence is that there are available many exchangeable modes of remission. At Constantinople and at other neighbouring churches a priest penitentiary is found in office, who hears confessions, assigns penances, and accords reconciliation without publicity. At Rome, and in all the Western churches, if the confessions are private, the penances and the reconciliation are alike public. Also in the West the minister of reconciliation, except in sickness, is everywhere the bishop. In the fifth and following centuries this public system of the West, made additionally deterrent by the infliction of grave after disabilities, falls into general disuse so far as concerns those in health: though a few seek it voluntarily, and others have it imposed upon them by authority, often as a penalty for public crime. The only kind of Penance which continues to be sought by all offenders is the Penance of the death bed: and the public sentiment comes to approve this recourse to Penance at the last as good for all Christians whomsoever. Meanwhile from the islands of the West comes the system of penitence employed by the Irish monasteries. The divergent features of this system are (1) private penance,

and (2) private reconciliation, with (3) a priest as the minister of reconciliation. This system, not greatly unlike that of Constantinople in the fifth century, spreads from the British Isles to the continent of Europe, and attains ever-growing acceptance till it finally supersedes the ancient public system. The recurring practice of confession as a habit of the devout life follows this private system of Penance. And at the Fourth Lateran Council of A.D. 1215 an annual confession is imposed as a duty upon every Christian who has attained to years of discretion.

The Commission is throughout the same.

So greatly varied is the practice of the Church in the first twelve centuries of Christianity. It was to mortal men that the Commission of the Lord had been conveyed: and it was in the human exercise of the Commission that all this varied experience found place. The Catholic student will expect that the bishops and priests of the Church have not been left without the guidance of the Holy Spirit in the adaptation of their ministry to the varying needs of countries, times, and men's manners. It is claimed that through all this great diversity the Commission exercised is one Commission. It is the Commission of the Lord to the Apostles: *Whose soever sins ye remit, they are remitted unto them; and whose soever sins ye retain, they are retained.* Throughout the ages it is in the power of that one Commission that priests dare to convey and penitents joy to accept the forgiveness of the Lord. Generation after generation passes out of sight: and still the great Commission remains living and effective for those in present need.

The Last Tribunal.

There is at last to come a time when the Commission of the Lord will have an end. It is the faith of the Catholic Church that the Lord Himself will come again at the end of the world to judge both the quick and the dead. Before His final tribunal priest and penitent must alike appear for that last revision of all judgment.

Judex ergo cum sedebit,
Quidquid latet, apparebit:
Nil inultum remanebit.

Quid sum miser tunc dicturus,
Quem patronum rogaturus?
Cum vix justus sit securus.

Rex tremendæ majestatis,
Qui salvandos slavas gratis,
Salve me, fons pietatis.

Recordare, Jesu pie,
Quod sum causa tuæ viæ,
Ne me perdas illa die.

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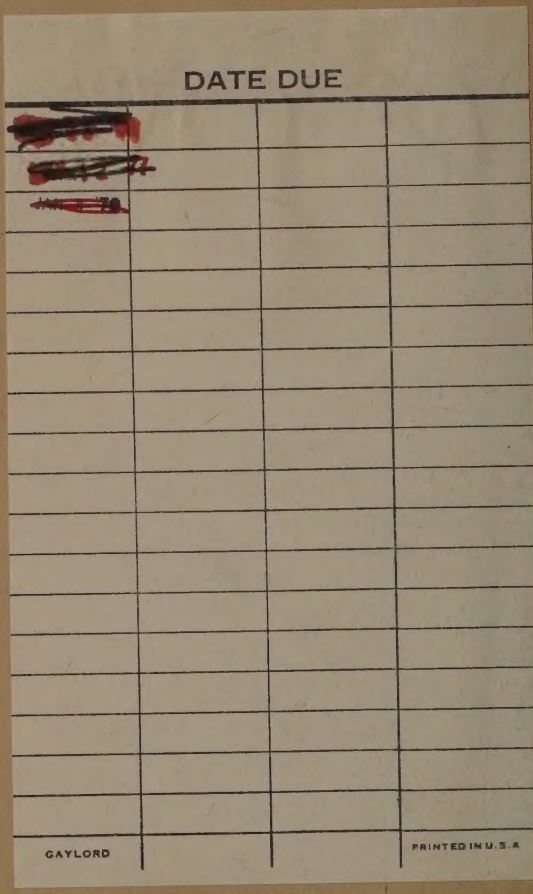
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